

CHAPTER 4

**Development Bureau
Buildings Department**

**Management of
Mandatory Window Inspection Scheme
by the Buildings Department**

**Audit Commission
Hong Kong
31 March 2025**

This audit review was carried out under a set of guidelines tabled in the Provisional Legislative Council by the Chairman of the Public Accounts Committee on 11 February 1998. The guidelines were agreed between the Public Accounts Committee and the Director of Audit and accepted by the Government of the Hong Kong Special Administrative Region.

Report No. 84 of the Director of Audit contains 8 Chapters which are available on our website (<https://www.aud.gov.hk>).



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MANAGEMENT OF MANDATORY WINDOW INSPECTION SCHEME BY THE BUILDINGS DEPARTMENT

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MANAGEMENT OF MANDATORY WINDOW INSPECTION SCHEME BY THE BUILDINGS DEPARTMENT

Executive Summary

1. Building neglect has been a long-standing problem in Hong Kong. According to the Buildings Department (BD), it recorded 445 fallen window incidents from January 2017 to December 2024. Upholding the concept of “prevention is better than cure”, BD has fully implemented the Mandatory Window Inspection Scheme (MWIS) since 30 June 2012 to require owners to regularly inspect the windows in their buildings with a view to identifying problems at an early stage, and carry out timely remedial works to prevent them from falling into disrepair thus causing danger to the public. Under MWIS, BD is empowered under the Buildings Ordinance (Cap. 123) to issue statutory notices to owners of private buildings aged 10 years or above (except domestic buildings not exceeding three storeys), requiring them to appoint a Qualified Person (QP) to carry out the prescribed inspection and, if necessary, a Registered Contractor to carry out the prescribed repair under the supervision of a QP for the windows in their buildings. As at 31 December 2024, there were a total of 27,168 buildings covered by MWIS. Since the commencement of MWIS in June 2012 and up to December 2024, a total of 13,461 target buildings had been selected under MWIS for issuance of statutory notices, and a total of 723,219 notices had been issued. BD is responsible for the implementation of MWIS and ensuring proper regulation of QPs. The Audit Commission (Audit) has recently conducted a review to examine BD’s work in management of MWIS.

Selection of target buildings for issuance of statutory notices

2. To enhance the transparency and promote community participation, a Selection Panel has been established to tender advice to BD on the selection criteria and the selection of target buildings for the purpose of issuance of statutory notices under the Mandatory Building Inspection Scheme (MBIS) and MWIS. Since the implementation of MBIS and MWIS in June 2012, BD has developed a Building Score System and priority will be given to buildings with higher scores (i.e. relatively higher potential risk) in the annual target building selection exercise for issuance of statutory notices under MBIS-cum-MWIS (Selection Mechanism A). Under Selection

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Mechanism A, only private buildings aged 30 years or above are subject to selection because MBIS only covers these buildings. To cover all buildings subject to MWIS (i.e. including private buildings aged 10 years or above and below 30 years), since December 2016, BD has adopted a risk-based selection mechanism in selecting other target buildings for issuance of statutory notices under MWIS (Selection Mechanism B). Under Selection Mechanism B, buildings with records of fallen window incident in the previous year and buildings with windows in a generally defective or dilapidated state will be selected as target buildings. According to BD guidelines, buildings with statutory notices served under MWIS and MBIS will not be selected as target buildings again within 5 and 10 years respectively after the issue dates of the preceding notices. After the target number of buildings for issuance of statutory notices under MWIS is determined, BD will compile two nomination lists of buildings (Nomination Lists A and B under Selection Mechanisms A and B respectively) for the Selection Panel's endorsement (paras. 2.2, 2.3 and 2.5 to 2.7).

3. ***Scope for improving Selection Mechanism B.*** Audit examined the 2017 to 2024 annual target building selection exercises under Selection Mechanism B and found that, 11 and 20 buildings with records of fallen window incidents in the previous year were not selected as target buildings in 2023 and 2024 respectively. For these 31 buildings, MWIS statutory notices were served more than 5 years ago and therefore these buildings should not be excluded from the selection in accordance with BD guidelines. In March 2025, BD informed Audit that, under BD's current practice, for buildings with records of fallen window incidents where MWIS statutory notices had been served in the past, BD would consider certain additional factors (e.g. compliance status of the MWIS statutory notices previously served and causes of the fallen window incidents) prior to their inclusion in Nomination List B. However, Audit noted that BD did not incorporate the additional factors to be considered for selecting buildings under Selection Mechanism B in its guidelines, and had not informed the Selection Panel about these additional factors (paras. 2.8 to 2.10).

4. ***Some buildings with higher scores under Selection Mechanism A not selected.*** Audit examined the 2024 annual target building selection exercise under Selection Mechanism A and noted that 372 buildings with statutory notices previously served under MWIS and MBIS more than 5 and 10 years ago respectively were excluded from the selection and they had higher scores (ranging from 30 to 75 points) than some of the 483 buildings in Nomination List A (scores ranging from 25 to 65 points). According to BD, under its current practice, apart from selecting buildings on a risk-based approach in accordance with Selection Mechanism A,

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priority was also given to buildings that had never been inspected/repaired under the scope of MWIS/MBIS. However, Audit noted that BD's current practice in compiling Nomination List A for the Selection Panel's endorsement for issuance of statutory notices under MWIS (i.e. giving priority to buildings that had never been inspected/repaired under the scope of MWIS/MBIS) had not been incorporated in BD guidelines, and BD had not informed the Selection Panel that some buildings not selected in fact had higher scores than some buildings in Nomination List A (paras. 2.11 to 2.13).

5. ***Need to analyse information useful in identifying buildings with higher risk of falling windows.*** From January 2017 to December 2024, BD recorded 445 fallen window incidents, of which 6 incidents resulted in a total of 1 death and 7 injuries. Audit noted that, of these 445 fallen window incidents, 295 (66%) cases occurred at buildings that had not been selected by BD's building selection mechanisms when the incidents occurred. In Audit's view, the statistics on the fallen window incidents may be useful to BD in identifying buildings with higher risk of falling windows. Audit considers that BD needs to conduct analyses on the statistics on the fallen window incidents with a view to making further improvement to its building selection mechanisms for issuance of statutory notices under MWIS (paras. 2.14 and 2.15).

6. ***Scope for improvement in monitoring consultants' work for issuance of statutory notices.*** For enhancing cost effectiveness, BD has outsourced certain administrative work for issuance of statutory notices under MWIS to consultants, such as submitting desk study reports, preparing and serving statutory notices, and updating the Building Condition Information System (BCIS). Audit noted that the performance of 3 of the 4 consultants engaged for issuance of statutory notices for buildings selected in 2022 to 2024 were unsatisfactory. For example, for 2 consultants, there had been slippage of submission of draft statutory notices and inadequate staffing. For the remaining consultant, there had been delays in submission of notice posting records and updating BCIS records. In Audit's view, BD needs to strengthen the monitoring of the performance of consultants engaged for issuance of statutory notices under MWIS and take measures to ensure the timely completion of assignments (paras. 2.16 to 2.19).

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Follow-up actions on statutory notices

7. ***Long-outstanding statutory notices.*** As at 31 December 2024, excluding those statutory notices under MWIS that had been withdrawn/superseded or were not yet due (i.e. with compliance due date after 31 December 2024), 657,670 notices had been complied with and 26,647 notices had not. Audit noted that:

- (a) for the 26,647 statutory notices under MWIS not complied with as at 31 December 2024: (i) the non-compliance rate for windows in common parts of the buildings (27%) was much higher than that for windows in individual premises owned by individual owners (4%); and (ii) 11,410 (43%) statutory notices had remained outstanding for more than 3 years and up to 11.6 years (averaging 6.5 years) from compliance due dates of statutory notices; and
- (b) of the 445 fallen window incidents recorded by BD from January 2017 to December 2024, 131 (29%) cases had been served with statutory notices under MWIS before the incidents occurred, of which 25 (19% of 131) notices had not been complied with when the incidents occurred. As at 31 December 2024, 5 of these 25 statutory notices under MWIS were still outstanding.

In Audit's view, BD needs to closely monitor the compliance of statutory notices under MWIS and take appropriate follow-up actions on non-compliant cases (in particular for the cases with fallen window incidents occurred), and explore measures to facilitate the owners' corporations or owners of the buildings concerned to carry out the prescribed inspection and/or the prescribed repair (paras. 3.4 to 3.7).

8. ***Scope for improvement in issuance of warning letters and fixed penalty notices (FPNs).*** Of the 26,647 statutory notices under MWIS not complied with as at 31 December 2024, warning letters were not yet due for issuance for 2,410 statutory notices. Audit noted that: (a) warning letters were due for issuance for 2,565 statutory notices but had not been issued, and while warning letters had been issued for 21,672 statutory notices, 19,313 warning letters were issued more than 1 month from the compliance due date of the statutory notice, thus not meeting the time target of issuing warning letter (i.e. within 1 month) as stipulated in BD guidelines; (b) no FPNs had been issued to the owners for 18,352 statutory notices, of which the time lapsed from the compliance due date of the statutory notice to 31 December 2024 for 15,913 notices was more than 1 year; and (c) of 4,208 FPNs issued, 2,045 were not

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yet paid as at 31 December 2024 and BD had not yet referred these unpaid FPNs to the Court for settlement (paras. 3.8 and 3.9).

9. ***Need to step up referral of non-compliant statutory notices for instigating prosecution actions.*** BD had set up the Fast Track Prosecution Teams (FPT) to expedite prosecution actions on non-compliant statutory notices under MWIS since January 2019. However, Audit noted that, as at 31 December 2024: (a) of the 3,320 cases (i.e. non-compliant statutory notices under MWIS with FPNs served), 2,792 (84%) cases had not yet been referred to FPT for instigating prosecution actions; and (b) while BD referred 528 (16%) cases to FPT for instigating prosecution actions, 299 (56% of 528) cases took more than 1 year and up to 9.4 years (averaging 2.4 years) for BD to do so (para. 3.14).

10. ***Need to instigate further prosecution actions for warranted continuous non-compliant statutory notices.*** According to BD guidelines, after the Court has convicted an owner for non-compliance with a statutory notice under MWIS, a warning letter should be issued to the owner for taking action to comply with the statutory notice without further delay. Once continuous non-compliance without reasonable excuse is ascertained, immediate referral to FPT for instigating second prosecution actions should be made. Of the 528 cases referred to FPT and remained non-compliant as at 31 December 2024, 126 defendants for 107 non-compliant statutory notices had been convicted. However, Audit noted that no referral for instigating second prosecution actions had been made for 85 statutory notices as at 31 December 2024, of which their convictions were made 12 to 1,496 days (averaging 570 days) ago. In Audit's view, BD needs to closely monitor the compliance status of statutory notices for convicted non-compliant cases and instigate further prosecution actions for warranted continuous non-compliant statutory notices under MWIS (paras. 3.16 to 3.18).

Monitoring of Qualified Persons and other issues

11. ***Some MWIS submissions not timely submitted.*** According to the Building (Inspection and Repair) Regulation (Cap. 123P), a QP should submit relevant MWIS submissions to BD within the specified timeframe after the completion of the prescribed inspection and/or the prescribed repair under MWIS. Audit noted that: (a) of 21,759 certificates of prescribed inspection of windows submitted by QPs (for cases where prescribed repairs were not required) under MWIS in 2024, 1,977 (10%)

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certificates were received by BD more than 14 days and up to 5 years (averaging 53 days) after the completion of the prescribed inspections of windows, not meeting the 14-day statutory requirement; and (b) of 16,741 certificates of prescribed repair of windows submitted by QPs under MWIS in 2024, 1,204 (8%) certificates were received by BD more than 14 days and up to 4.6 years (averaging 54 days) after the completion of the prescribed repairs of windows, not meeting the 14-day statutory requirement (para. 4.7).

12. ***Long time taken to complete audit checks on some MWIS submissions.***

According to BD, to ensure that the inspection and repair of windows have been carried out in accordance with the Buildings Ordinance, it conducts sample checking on MWIS submissions from QPs. After preliminary checks on the submissions (e.g. verification of the registration status of QPs), BD will select some of the submissions for audit checks. Audit examined the time taken by BD to complete audit checks on 2,070 submissions which were completed in 2024, and found that BD's audit checks on 233 (11%) submissions were completed more than 6 months and up to 2.2 years (averaging 282 days) after the receipt of QPs' submissions by BD (paras. 4.4 and 4.12).

13. ***Need to take timely follow-up actions on irregularities identified during audit checks.***

According to BD guidelines, for irregularities identified during its audit checks of MWIS submissions from QPs, BD will issue a reminder letter within two weeks to the QP concerned requesting clarification and/or rectification. In case there is no positive response from the QP within one month or the time limit set out in the reminder letter, BD should issue a warning letter to the QP concerned within the next two weeks. Audit examined the subject files of audit checks on 10 MWIS submissions and noted that: (a) for 4 MWIS submissions, BD issued reminder letters to the QPs concerned regarding the irregularities identified during its audit checks more than two weeks (ranging from 27 to 146 days, averaging 71 days) after the completion of audit checks, not meeting the two-week requirement under BD guidelines; and (b) for 1 of the 4 MWIS submissions mentioned in (a) above, while the QP concerned had failed to provide a response within the time limit set out in the reminder letter (i.e. 18 June 2024), BD had not issued a warning letter to the QP as at 31 December 2024, not meeting the requirement under BD guidelines (paras. 4.5 and 4.14).

14. ***Scope for improvement in taking follow-up actions on fallen window cases with complied MWIS statutory notices.***

According to BD, fallen window incidents

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which occurred after the completion of the prescribed inspection/repair under MWIS may indicate possible malpractice of the QPs who carried out the prescribed inspection and/or the supervision of the prescribed repair for the fallen windows. Of the 445 fallen window incidents from January 2017 to December 2024 recorded by BD, 131 cases had been served with MWIS statutory notices before the incidents occurred. Of these 131 cases with MWIS statutory notices served, the MWIS statutory notices of 25 cases had remained not complied with when the incidents occurred. Audit examined BD's follow-up actions on the remaining 106 fallen window cases, and found that: (a) for 14 fallen window cases, while BD could ascertain that the owners of the buildings concerned were served with statutory notices, the exact premises in which the fallen window incidents took place could not be located. Hence, BD could not ascertain whether the owners of the premises concerned had complied with the statutory notices when the incidents occurred; and (b) according to BD, 4 of the remaining 92 fallen window cases had been warranted for full investigations. While BD maintained records of full investigations on the 4 cases, it had not maintained records of follow-up actions and justifications of not conducting full investigations on the QPs concerned for the remaining 88 cases (paras. 4.16 and 4.17).

15. ***Need to enhance BCIS and compile management information to facilitate BD's work in implementing MWIS.*** The implementation of MWIS involves a significant amount of work. Audit noted scope for enhancing BCIS and compiling management information to facilitate BD's work in implementing MWIS. For example: (a) BCIS could not automatically prompt BD subject officers for issuing warning letters and FPNs in a timely manner; (b) BD had not regularly compiled management information on the late MWIS submissions to enhance the monitoring of QPs; and (c) BD had not regularly compiled management information on fallen window cases with complied MWIS statutory notices (e.g. the follow-up actions taken to investigate possible malpractice of QPs). In Audit's view, BD needs to consider enhancing BCIS and compiling management information to facilitate its work in implementing MWIS (para. 4.27).

16. ***Need to formulate a long-term strategy for MWIS.*** Audit noted that, out of 27,168 private buildings covered by MWIS as at 31 December 2024, 14,676 (54%) buildings had not been selected for issuance of MWIS statutory notices. Based on BD's 2024 target of selecting 600 buildings each year, it will take about 24 years to cover these 14,676 buildings, let alone the buildings which will reach the building age of 10 years and subject to MWIS after 2024. In Audit's view, with a view to achieving MWIS's objective of enhancing public safety, having regard to all relevant factors and difficulties encountered in implementing MWIS, BD needs to keep under review

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the target number of buildings to be selected for issuance of statutory notices under MWIS and formulate a long-term strategy for MWIS (e.g. further developing and leveraging on “new quality productive forces”, such as adoption of artificial intelligence, in implementing MWIS) (paras. 4.29 and 4.30).

Audit recommendations

17. **Audit recommendations are made in the respective sections of this Audit Report. Only the key ones are highlighted in this Executive Summary. Audit has *recommended* that the Director of Buildings should:**

Selection of target buildings for issuance of statutory notices

- (a) **incorporate all selection factors of target buildings under Selection Mechanism B for issuance of MWIS statutory notices in BD guidelines (para. 2.20(a));**
- (b) **inform the Selection Panel all the selection factors (including the additional factors) considered by BD under Selection Mechanism B (para. 2.20(b));**
- (c) **incorporate the current practice in compiling Nomination List A under Selection Mechanism A (i.e. giving priority to buildings that had never been inspected/repaired under the scope of MWIS/MBIS) in BD guidelines (para. 2.20(d));**
- (d) **document the justifications and inform the Selection Panel for its consideration and endorsement for buildings with higher scores not selected under Selection Mechanism A (para. 2.20(e));**
- (e) **conduct analyses on the statistics on the fallen window incidents with a view to making further improvement to BD’s building selection mechanisms (para. 2.20(f));**
- (f) **strengthen the monitoring of the performance of consultants engaged for issuance of statutory notices under MWIS and take measures to ensure the timely completion of assignments (para. 2.20(g));**

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Follow-up actions on statutory notices

- (g) **closely monitor the compliance of statutory notices under MWIS and take appropriate follow-up actions on non-compliant cases (in particular for the cases with fallen window incidents occurred) (para. 3.11(a));**
- (h) **explore measures to facilitate the owners' corporations or owners of the buildings concerned to carry out the prescribed inspection and/or the prescribed repair (para. 3.11(b));**
- (i) **issue warning letters and FPNs for non-compliant MWIS statutory notices in a timely manner in accordance with the time targets as stipulated in BD guidelines (para. 3.11(c));**
- (j) **refer warranted unpaid FPNs to the Court in accordance with BD guidelines where appropriate (para. 3.11(d));**
- (k) **step up referral of non-compliant statutory notices under MWIS to FPT for instigating prosecution actions (para. 3.19(a));**
- (l) **closely monitor the compliance status of statutory notices for convicted non-compliant cases and instigate further prosecution actions for warranted continuous non-compliant statutory notices under MWIS (para. 3.19(b));**

Monitoring of QPs and other issues

- (m) **strengthen monitoring of QPs' MWIS submissions and take measures to ensure that QPs comply with the statutory submission time limit (para. 4.20(b));**
- (n) **complete BD's audit checks on MWIS submissions in a timely manner in accordance with BD guidelines (para. 4.20(e));**
- (o) **take timely follow-up actions on irregularities identified during BD's audit checks on MWIS submissions (including issuing reminder letters**

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and warning letters to the QPs concerned) in accordance with BD guidelines (para. 4.20(f));

- (p) endeavour to ascertain the details of fallen window incidents (e.g. the exact premises involved in the fallen window incidents and the compliance status of the statutory notices under MWIS) as far as practicable with a view to enabling necessary follow-up actions (para. 4.20(g));
- (q) maintain full records of follow-up actions on QPs for fallen window cases with complied MWIS statutory notices (including the justifications if full investigations are not conducted on the QPs concerned) (para. 4.20(h));
- (r) consider enhancing BCIS and compiling management information to facilitate BD's work in implementing MWIS (para. 4.36(c)); and
- (s) keep under review the target number of buildings to be selected for issuance of statutory notices under MWIS and formulate a long-term strategy for MWIS (para. 4.36(d)).

Response from the Government

18. The Director of Buildings agrees with the audit recommendations.

PART 1: INTRODUCTION

1.1 This PART describes the background to the audit and outlines the audit objectives and scope.

Background

1.2 Building neglect has been a long-standing problem in Hong Kong. The presence of ageing buildings, which lack proper care and maintenance, poses potential threats to residents and the public at large. According to the Buildings Department (BD), it recorded 445 fallen window incidents from January 2017 to December 2024 (Note 1). Upholding the concept of “prevention is better than cure”, BD has fully implemented the Mandatory Window Inspection Scheme (MWIS) since 30 June 2012 to require owners to regularly inspect the windows in their buildings with a view to identifying problems at an early stage, and carry out timely remedial works to prevent them from falling into disrepair thus causing danger to the public (Note 2).

1.3 Under MWIS, BD is empowered under the Buildings Ordinance (Cap. 123) to issue statutory notices to owners of private buildings aged 10 years or above (except domestic buildings not exceeding three storeys), requiring them to appoint a Qualified Person (QP) to carry out the prescribed inspection and, if necessary, a Registered Contractor (RC) to carry out the prescribed repair under the supervision of a QP for the windows in their buildings.

Note 1: *According to BD, it did not maintain statistics on fallen window incidents prior to January 2017.*

Note 2: *Together with MWIS, the Mandatory Building Inspection Scheme was also introduced in June 2012 to require owners to carry out regular inspection and timely repair for their properties so as to tackle the problem of building neglect at source. Under the Mandatory Building Inspection Scheme, BD may issue statutory notices to owners of private buildings aged 30 years or above (except domestic buildings not exceeding three storeys) requiring them to carry out the prescribed inspection and the prescribed repair found necessary for their buildings. In 2020, the Audit Commission completed a review on the Mandatory Building Inspection Scheme and the results were reported in Chapter 9 of the Director of Audit’s Report No. 75 of October 2020.*

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Selection of target buildings for issuance of statutory notices

1.4 As at 31 December 2024, there were a total of 29,311 private buildings (except domestic buildings not exceeding three storeys), of which 27,168 buildings were aged 10 years or above (i.e. buildings covered by MWIS). For target buildings selected under MWIS, BD issues statutory notices to the owners of selected target buildings, as follows:

- (a) for windows in common parts of the building, the notices will be served on the owners' corporation if such corporation has been formed, otherwise on all owners of the building; and
- (b) for windows in individual premises owned by individual owners, the notices will be served on the owners concerned.

Since the commencement of MWIS in June 2012 and up to December 2024, a total of 13,461 target buildings had been selected under MWIS for issuance of statutory notices, and a total of 723,219 notices had been issued (Note 3).

Follow-up actions on statutory notices

1.5 The owners served with statutory notices under MWIS are required to take the following major steps:

- (a) ***Appointment of QP.*** Upon receipt of an MWIS statutory notice, an owner is required to appoint a QP to complete the prescribed inspection and/or supervise the completion of the prescribed repair (if found necessary after the prescribed inspection) within 6 months for windows in individual

Note 3: *The actual total number of MWIS statutory notices issued from June 2012 to December 2024 was 723,219 notices, which was more than the total number of 709,578 notices as reported in BD's Controlling Officer's Reports. According to BD: (a) the difference was mainly due to the fact that the figures in the Controlling Officer's Reports reflected the information available at the cut-off time for reporting in the Controlling Officer's Reports; and (b) the numbers of MWIS statutory notices issued were subject to changes arising from the latest information available subsequently (e.g. data input after the cut-off time for reporting in the Controlling Officer's Reports).*

premises and 9 months for windows in common parts of the building from the date of the statutory notice;

- (b) ***Prescribed inspection.*** The appointed QP must carry out the prescribed inspection personally, and shall ascertain whether the windows have been rendered dangerous or are liable to become dangerous. The inspection shall cover all windows and glass louvers in individual premises and common parts of the building including window walls. Upon completion of the window inspection, the QP should submit a certificate in specified form to BD certifying completion of the inspection. If the certificate of inspection indicates that a prescribed repair is not required for the premises, BD will issue a compliance letter to the owner certifying compliance with the MWIS statutory notice; and
- (c) ***Prescribed repair.*** If the appointed QP considers that a prescribed repair is required, the owners concerned must employ an RC to carry out the prescribed repair under the supervision of a QP. After the completion of the prescribed repair of windows, the QP should submit a certificate in specified form to BD certifying completion of the repair. After receipt of the certificate, BD will issue a compliance letter to the owner certifying compliance with the MWIS statutory notice.

1.6 ***Non-compliance with MWIS statutory notices.*** MWIS statutory notice is considered not complied with if the certificates of prescribed inspection and/or repair (if necessary) of windows are not received by BD 14 days from the compliance due date (Note 4) of the MWIS statutory notice, or if irregularities are found on the certificates. For non-compliance with statutory notices under MWIS, a warning letter should be issued to the owner within 1 month from the compliance due date of the MWIS statutory notice. In case the non-compliance continues without reasonable excuse after the issuance of the warning letter, BD should initiate action to serve a

Note 4: *Compliance due date refers to the date specified in an MWIS statutory notice for completion of the prescribed inspection and the prescribed repair (if necessary), or the date with extension of time granted by BD, whichever is later.*

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fixed penalty notice (FPN — Note 5). Of the 723,219 statutory notices issued under MWIS since the commencement of MWIS in June 2012 and up to December 2024, 26,647 notices had not been complied with as at 31 December 2024. Of these 26,647 non-compliant statutory notices, BD issued warning letters to the owners for 21,672 notices and served FPNs to the owners for 3,320 notices during the period.

1.7 ***Prosecution actions.*** In general, prosecution actions should be instigated if the non-compliance continues without reasonable excuse after serving FPN (Note 6). According to BD, the serving of FPN is considered an effective sanction against non-compliance with MWIS statutory notices. Since the commencement of MWIS in June 2012 and up to December 2024, BD had instigated prosecution actions against the owners for 717 non-compliant statutory notices under MWIS, of which the owners of 478 notices had been convicted with fines ranging from \$600 to \$151,500, and the remaining 239 notices were pending for court hearing.

Monitoring of QPs' submissions under MWIS

1.8 Under MWIS, QPs are responsible for carrying out the prescribed inspections and/or supervision of the prescribed repairs. As at 31 December 2024, there were 18,941 QPs. BD is responsible for ensuring proper regulation of QPs. According to BD, to ensure that the inspections and repairs are carried out in accordance with the Buildings Ordinance, it issues detailed guidelines through relevant Code of Practice and Practice Notes, and conducts sample checking on MWIS submissions (through document and site audits).

Note 5: *Under the Buildings Ordinance, a person who, without reasonable excuse, fails to comply with a statutory notice under MWIS may be required to pay: (a) a fixed penalty of \$1,500; and (b) a further fixed penalty of \$1,500 plus \$300 by way of costs if the person continues to fail to comply with the notice without reasonable excuse.*

Note 6: *Under the Buildings Ordinance, a person who, without reasonable excuse, fails to comply with a statutory notice under MWIS may be prosecuted and is liable on conviction to a fine of up to \$25,000 and imprisonment for up to three months, and a fine of \$2,000 for each day during which it is proved to the satisfaction of the Court that the offence has continued.*

Responsible division of BD

1.9 The two Mandatory Building Inspection (MBI) Sections under BD's MBI Division (see Appendix A for an extract of BD's organisation chart as at 31 December 2024) are responsible for the implementation of MWIS. As at 31 December 2024, the two MBI Sections had 270 staff (comprising 217 professional and technical staff, 37 supporting staff and 16 non-civil service contract staff) (Note 7). The total recurrent expenditure of the two MBI Sections for 2023-24 was about \$231 million. According to BD, it could not provide a breakdown of the expenditure incurred solely for MWIS.

Audit review

1.10 In November 2024, the Audit Commission (Audit) commenced a review to examine BD's work in management of MWIS. The audit review has focused on the following areas:

- (a) selection of target buildings for issuance of statutory notices (PART 2);
- (b) follow-up actions on statutory notices (PART 3); and
- (c) monitoring of QPs and other issues (PART 4).

Audit has found room for improvement in the above areas and has made a number of recommendations to address the issues.

Acknowledgement

1.11 Audit would like to acknowledge with gratitude the full cooperation of the staff of BD during the course of the audit review.

Note 7: *Apart from MWIS, the two MBI Sections are also responsible for implementing the Mandatory Building Inspection Scheme (see Note 2 to para. 1.2).*

PART 2: SELECTION OF TARGET BUILDINGS FOR ISSUANCE OF STATUTORY NOTICES

2.1 This PART examines BD's actions in selecting target buildings for issuance of statutory notices under MWIS (paras. 2.2 to 2.21) and promotion of voluntary window inspection (paras. 2.22 to 2.26).

Selecting target buildings for issuance of statutory notices under Mandatory Window Inspection Scheme

2.2 MWIS covers private buildings aged 10 years or above (except domestic buildings not exceeding three storeys). To enhance the transparency and promote community participation, a Selection Panel has been established to tender advice to BD on the selection criteria and the selection of target buildings for the purpose of issuance of statutory notices under MWIS (Note 8). Each year, a certain number of target buildings will be selected by BD based on two selection mechanisms (hereinafter referred to as Selection Mechanism A (see paras. 2.3 and 2.4) and Selection Mechanism B (see para. 2.5)) from the buildings covered by MWIS for endorsement by the Selection Panel and issuance of statutory notices.

Selection mechanisms

2.3 ***Selection Mechanism A.*** According to BD, to minimise disturbance and financial burden to owners, the implementation of the Mandatory Building Inspection Scheme (MBIS — see Note 2 to para. 1.2) and MWIS should be synchronised as far as possible. Since the implementation of MBIS and MWIS in June 2012, BD has developed a Building Score System, under which a score will be given to every eligible building annually based on the selection criteria. Priority will be given to buildings with higher scores (i.e. relatively higher potential risk) in the annual target

Note 8: *The Selection Panel is chaired by an Assistant Director of BD with members from professional institutions (i.e. the Hong Kong Institute of Architects, the Hong Kong Institution of Engineers, the Hong Kong Institute of Surveyors and the Hong Kong Association of Property Management Companies), the Hong Kong Housing Society and 18 District Councils (6 members on a rotational basis to participate in each meeting). Apart from MWIS, the Selection Panel is also responsible for tendering advice to BD on the selection criteria and the selection of target buildings for the purpose of issuance of statutory notices under the Mandatory Building Inspection Scheme.*

Selection of target buildings for issuance of statutory notices

building selection exercise for issuance of statutory notices under MBIS-cum-MWIS (i.e. Selection Mechanism A). The current Building Score System (revised in February 2024) accords varying weights to the following selection criteria:

- (a) ***Building age.*** Buildings with higher building age should be given priority;
- (b) ***Building condition.*** Buildings with a report on general or slight building defects, a report on dilapidated condition, an emergency report, or an outstanding repair and investigation orders issued under the Buildings Ordinance should be given priority;
- (c) ***Building management.*** Three-nil buildings (i.e. buildings which do not have owners' corporations or any form of residents' organisations, nor property management companies engaged in managing their buildings) should be given priority;
- (d) ***Critical building elements.*** Buildings with cantilevered slab balcony or cantilevered slab canopy should be given priority; and
- (e) ***Building cluster.*** For a number of buildings situated on the same land lot with owners being jointly responsible for maintenance and repair of the common parts of the buildings, the buildings concerned will form a building cluster. If a building forming part of a building cluster is selected, all buildings in the building cluster will also be selected regardless of their scores.

2.4 ***Overriding selection criterion under Selection Mechanism A.*** In the 2017 annual target building selection exercise, in view of an incident involving partial collapse of a balcony of a private building, the Selection Panel endorsed BD's suggestion in October 2017 to impose an overriding selection criterion to Selection Mechanism A such that only private residential or composite buildings aged 50 years or above would be selected for issuance of statutory notices under MBIS-cum-MWIS. The age of the buildings under the overriding selection criterion was revised twice in the 2020 and the 2023 selection exercises (to 40 years or above and to 30 years or above respectively). The overriding selection criterion was revoked in the 2024 selection exercise (i.e. private buildings of all types aged 30 years or above would be subject to Selection Mechanism A since then).

Selection of target buildings for issuance of statutory notices

2.5 ***Selection Mechanism B.*** Under Selection Mechanism A, only private buildings aged 30 years or above (except domestic buildings not exceeding three storeys) are subject to selection because MBIS only covers these buildings. To cover all buildings subject to MWIS (i.e. including private buildings aged 10 years or above and below 30 years), since December 2016, BD has adopted a risk-based selection mechanism in selecting other target buildings for issuance of statutory notices under MWIS (i.e. Selection Mechanism B). Under Selection Mechanism B, buildings satisfying the following criteria will be selected as target buildings:

- (a) ***Record of fallen window incident.*** There was a record of fallen window incident in the building in the previous year;
- (b) ***Condition of windows.*** Higher priority may be given to buildings with windows in a generally defective or dilapidated state, and therefore posing relatively higher potential risk to the public; and
- (c) ***Building cluster.*** If a building forming part of a building cluster is selected, all buildings in the building cluster will also be selected.

2.6 ***Buildings not to be selected.*** According to BD guidelines, buildings fulfilling the following conditions will not be selected for issuance of statutory notices under MWIS:

- (a) buildings with statutory notices served under MWIS and MBIS will not be selected as target buildings again within 5 and 10 years respectively after the issue dates of the preceding notices;
- (b) buildings accredited with a satisfactory building safety rating under the Hong Kong Housing Society's Voluntary Building Assessment Scheme (VBAS — Note 9) and with inspection/repair carried out within 10 years will not be selected under Selection Mechanism A;

Note 9: *To encourage owners to properly manage and maintain their buildings on their own initiatives, the Hong Kong Housing Society commenced VBAS in July 2012. All private domestic buildings and composite buildings with building management are eligible to join VBAS, and VBAS accredited buildings will be recognised by BD for having fulfilled the requirements under MBIS within 10 years. Windows in common parts of VBAS accredited buildings will be recognised by BD for having fulfilled the requirements under MWIS within 5 years.*

Selection of target buildings for issuance of statutory notices

- (c) for buildings with inspection/repair carried out in accordance with those prescribed under the Buildings Ordinance on a voluntary basis without joining VBAS within 10 years, if BD is satisfied that the same requirements as those under MBIS are complied with, the buildings concerned will not be selected under Selection Mechanism A; and
- (d) however, buildings mentioned in (b) and (c) above may still be selected as target buildings under Selection Mechanism B for serving statutory notices under MWIS for all the individual premises if the selection criteria are satisfied (e.g. there was a record of fallen window incident in the building in the previous year).

2.7 ***Nomination lists of buildings.*** According to BD, after the target number of buildings for issuance of statutory notices under MWIS is determined, it will compile two nomination lists of buildings for the Selection Panel's endorsement by:

- (a) first compiling a nomination list of all buildings satisfying the criteria under Selection Mechanism B (hereinafter referred to as Nomination List B); and
- (b) selecting the remaining buildings from the nomination list compiled under Selection Mechanism A (hereinafter referred to as Nomination List A) to achieve the target number of buildings for issuance of statutory notices under MWIS.

Scope for improving Selection Mechanism B

2.8 Under Selection Mechanism B, buildings with records of fallen window incidents in the previous year will be selected as target buildings for issuance of statutory notices under MWIS. Audit examined the 2017 (since the adoption of Selection Mechanism B) to 2024 annual target building selection exercises for MWIS under Selection Mechanism B and found that, for the 2023 and 2024 target building selection exercises, 11 and 20 buildings with records of fallen window incidents in the previous year were not selected as target buildings respectively. Audit noted that for these 31 buildings, MWIS statutory notices were served more than 5 years ago and therefore these buildings should not be excluded from the selection in accordance with BD guidelines (see para. 2.6(a)).

Selection of target buildings for issuance of statutory notices

2.9 In March 2025, BD informed Audit that:

- (a) under BD's current practice, for buildings with records of fallen window incidents where MWIS statutory notices had been served in the past, BD would consider certain additional factors prior to their inclusion in Nomination List B, including:
 - (i) compliance status of the MWIS statutory notices previously served (i.e. whether majority of the notices previously served for the building concerned had been complied with);
 - (ii) progress of enforcement actions taken (if any);
 - (iii) causes of the fallen window incidents (e.g. improper use of windows by owners/occupants); and
 - (iv) repeated fallen window incidents in the same building; and
- (b) after considering the factors mentioned in (a) above, the 31 buildings with records of fallen window incidents were not selected as target buildings for issuance of fresh MWIS statutory notices.

2.10 Audit noted that most of the related MWIS statutory notices of these 31 buildings had been complied with (Note 10). Furthermore, BD did not incorporate the additional factors to be considered for selecting buildings under Selection Mechanism B in its guidelines, and BD had not informed the Selection Panel (which was established to tender advice to BD on the selection criteria under MWIS) about these additional factors. In Audit's view, BD needs to:

- (a) incorporate all selection factors of target buildings under Selection Mechanism B for issuance of MWIS statutory notices in its guidelines;

Note 10: *Out of the 3,499 MWIS statutory notices previously served for these 31 buildings, 3,429 (98%) notices had been complied with as at 31 December 2024.*

Selection of target buildings for issuance of statutory notices

- (b) inform the Selection Panel all the selection factors (including the additional factors) considered by BD under Selection Mechanism B when seeking endorsement of Nomination List B for issuance of statutory notices under MWIS; and
- (c) document the justifications and inform the Selection Panel for its consideration and endorsement for buildings with records of fallen window incidents not selected under Selection Mechanism B for issuance of statutory notices under MWIS because MWIS statutory notices had been served in the past.

Some buildings with higher scores under Selection Mechanism A not selected

2.11 In the 2024 annual target building selection exercise under Selection Mechanism A (when the overriding selection criterion was revoked), BD gave scores to all the 19,754 buildings covered by both MWIS and MBIS (i.e. private buildings aged 30 years or above) in accordance with the Building Score System and compiled a scored building list. According to BD:

- (a) of the 19,754 buildings, 8,195 buildings were excluded for reasons such as selected in the past or carried out inspection/repair under VBAS within 10 years. The remaining 11,559 buildings were eligible for selection under Selection Mechanism A;
- (b) with a target to select 600 buildings for issuance of statutory notices under MWIS and MBIS, BD compiled Nomination List B of 89 buildings and Nomination List A of 700 buildings under Selection Mechanisms B and A respectively for the Selection Panel's endorsement, as follows:
 - (i) ***Nomination List B.*** 89 buildings selected under Selection Mechanism B for issuance of statutory notices under MWIS; and
 - (ii) ***Nomination List A.*** Of the 700 buildings selected under Selection Mechanism A:
 - 511 buildings were selected for issuance of statutory notices under both MWIS and MBIS;

Selection of target buildings for issuance of statutory notices

- 89 buildings were selected for issuance of statutory notices under MBIS only (as another 89 buildings were already selected under Selection Mechanism B for issuance of statutory notices under MWIS — see (i) above); and
 - 100 buildings were further selected under Selection Mechanism A as buffer buildings in case some buildings in the list could not be selected due to various reasons (e.g. with repair works in progress, demolished or to be demolished soon); and
- (c) the 700 buildings in Nomination List A under Selection Mechanism A comprised 483 buildings with the top scores (ranging from 25 to 65 points) among the 11,559 eligible buildings, together with 217 buildings which formed building clusters with the 483 buildings.

In the event, the Selection Panel endorsed the selection of buildings in both Nomination Lists A and B.

2.12 Audit examined the scores of the 8,195 buildings that were excluded from the selection and noted that 372 buildings with statutory notices previously served under MWIS and MBIS more than 5 and 10 years ago respectively were excluded from the selection and they had higher scores (ranging from 30 to 75 points) than some of the 483 buildings in Nomination List A (scores ranging from 25 to 65 points). According to BD:

- (a) the objective of MWIS/MBIS is to uphold the concept of “prevention is better than cure”. Under BD’s current practice, apart from selecting buildings on a risk-based approach in accordance with Selection Mechanism A, priority was also given to buildings that had never been inspected/repared under the scope of MWIS/MBIS; and
- (b) in case where dilapidated or defective buildings pose public safety hazards, the Existing Buildings Division of BD will proactively intervene through law enforcement or default works.

2.13 Audit noted that BD’s current practice in compiling Nomination List A for the Selection Panel’s endorsement for issuance of statutory notices under MWIS

Selection of target buildings for issuance of statutory notices

(i.e. giving priority to buildings that had never been inspected/repaired under the scope of MWIS/MBIS) had not been incorporated in BD guidelines, and BD had not informed the Selection Panel that some buildings not selected (because statutory notices had been served in the past) in fact had higher scores than some buildings in Nomination List A. In Audit's view, BD needs to:

- (a) incorporate the current practice in compiling Nomination List A under Selection Mechanism A for the Selection Panel's endorsement for issuance of statutory notices under MWIS (i.e. giving priority to buildings that had never been inspected/repaired under the scope of MWIS/MBIS) in its guidelines; and
- (b) document the justifications and inform the Selection Panel for its consideration and endorsement for buildings with higher scores not selected under Selection Mechanism A for issuance of statutory notices under MWIS.

Need to analyse information useful in identifying buildings with higher risk of falling windows

2.14 According to BD, to implement MWIS more effectively and efficiently, it reviews and revises the building selection mechanisms for issuance of statutory notices under MWIS from time to time. For example, in December 2016, BD introduced a risk-based building selection mechanism (i.e. Selection Mechanism B). From January 2017 to December 2024, BD recorded 445 fallen window incidents, of which 6 incidents resulted in a total of 1 death and 7 injuries. Audit noted that, of these 445 fallen window incidents:

- (a) 140 (32%) cases occurred at buildings that were selected by BD's building selection mechanisms, of which 131 cases had been served with statutory notices under MWIS before the incidents occurred (see also para. 3.6 for Audit's findings), and the other 9 cases were selected but had not been served with statutory notices when the incidents occurred;
- (b) 10 (2%) cases occurred at buildings not covered by MWIS (e.g. buildings aged below 10 years, domestic buildings not exceeding three storeys); and
- (c) 295 (66%) cases occurred at buildings that had not been selected by BD's building selection mechanisms when the incidents occurred.

Selection of target buildings for issuance of statutory notices

2.15 In Audit's view, the statistics on the fallen window incidents may be useful to BD in identifying buildings with higher risk of falling windows. Audit considers that BD needs to conduct analyses on the statistics on the fallen window incidents with a view to making further improvement to its building selection mechanisms for issuance of statutory notices under MWIS.

Scope for improvement in monitoring consultants' work for issuance of statutory notices

2.16 For enhancing cost effectiveness, BD has outsourced certain administrative work for issuance of statutory notices under MWIS to consultants. Consultants are required to carry out the following tasks:

- (a) ***Submitting desk study reports.*** Consultants should conduct desk study and site inspections, and compile desk study reports identifying all items that warrant service of statutory notices under MWIS and on whom the notices would be served;
- (b) ***Preparing statutory notices.*** After endorsement of the desk study reports by BD, consultants should prepare statutory notices together with covering letters for signing by BD;
- (c) ***Serving statutory notices.*** After signing of the statutory notices by BD, consultants should serve the notices, including dispatching the notices (including covering letters and pamphlets) to the owners and posting the notices on a conspicuous and prominent position of the premises or buildings; and
- (d) ***Updating the Building Condition Information System (BCIS — Note 11) records.*** Upon issuance of statutory notices, consultants should update the information of statutory notices served in BCIS, scan the notices and upload the scanned notices onto BCIS.

Note 11: *BCIS is a computer system for recording, processing and retrieving details of public reports, planned surveys, statutory orders, works orders and consultancy assignments.*

Selection of target buildings for issuance of statutory notices

2.17 From September 2022 to September 2023, BD awarded:

- (a) 4 consultancy agreements each with a contract period of 12 months (i.e. 18 October 2022 to 17 October 2023) to 3 consultants (1 consultancy agreement each to Consultants A and B, and 2 consultancy agreements to Consultant C) for carrying out the work for the target buildings selected in 2022 (Note 12); and
- (b) another 4 consultancy agreements each with a contract period of 24 months (i.e. 5 October 2023 to 4 October 2025) to 2 consultants (2 consultancy agreements each to Consultants C and D) for carrying out the work for the target buildings selected in 2023 and 2024 (Note 13).

2.18 According to BD guidelines, consultants' performance should be monitored to ensure timely completion of assignments and achievement of objectives of the consultancy through strict adherence to the approved programme and timeframe. For unsatisfactory performance, BD may issue reminders, advisory letters, warning letters and adverse performance reports (Note 14) to the consultants. In this connection, Audit noted that the performance of Consultants A and B (engaged for issuance of statutory notices for buildings selected in 2022) and performance of Consultant D (engaged for issuance of statutory notices for buildings selected in 2023 and 2024) were unsatisfactory. Details are as follows:

Note 12: *The 4 consultancy agreements with a total contract sum of about \$7.9 million were for issuance of statutory notices for buildings selected for MWIS and MBIS.*

Note 13: *The 4 consultancy agreements with a total contract sum of about \$18.1 million were for issuance of statutory notices for buildings selected for MWIS and MBIS.*

Note 14: *During the contract period, BD will issue quarterly performance reports and a final performance report upon completion of an agreement to the consultant. BD may issue an adverse performance report after issuing a warning letter to the consultant. A consultant having received two and three consecutive adverse performance reports under the same consultancy will be suspended from bidding BD's consultancy work of the same category for at least 3 and 12 months respectively.*

Selection of target buildings for issuance of statutory notices

- (a) **Consultant A.** Audit noted that:
- (i) since March 2023, there had been severe slippage of submission of draft statutory notices and inadequate staffing by Consultant A. Despite various actions taken by BD to address the issues (including issuance of an advisory letter on unsatisfactory performance in May 2023 and repeated reminders in monthly progress meetings), the situation had not improved until the fourth quarter of 2023. Besides, the quality of desk study reports and draft notices prepared by Consultant A had been found unsatisfactory; and
 - (ii) in the event, BD had to extend the agreement with Consultant A (without additional costs) to December 2023 (i.e. about 2 months later than the original contract completion date of October 2023) for Consultant A to complete all the work as defined in the consultancy agreement. As a result, “poor” performance ratings had been given in the related aspects in each of Consultant A’s quarterly performance reports from April to December 2023 to reflect the prolonged slippage of the approved programme and the inadequate staffing, and in each of quarterly performance reports from January to December 2023 to reflect its poor performance in preparing desk study reports and/or draft notices;
- (b) **Consultant B.** Audit noted that:
- (i) in May 2023, BD issued an advisory letter to Consultant B on its unsatisfactory performance and expressed concerns about the prolonged slippage of the work programme (including submission of draft statutory notices), the unacceptable quality of desk study reports and notices, and inadequacy of staff as compared to the agreed organisation chart;
 - (ii) in July 2023, BD issued a reminder to Consultant B to register concerns about the slippage of the work programme and in updating BCIS records. In January 2024, Consultant B advised that it had completed the serving of all notices; and
 - (iii) in the event, BD had to extend the agreement with Consultant B (without additional costs) to September 2024 (i.e. about 11 months

Selection of target buildings for issuance of statutory notices

later than the original contract completion date of October 2023) for Consultant B to complete all the work as defined in the consultancy agreement. As a result, “poor” performance ratings had been given in the related aspects in each of Consultant B’s quarterly performance reports from January 2023 to September 2024; and

- (c) **Consultant D.** Audit noted that:
- (i) for one consultancy agreement awarded to Consultant D, the submission of desk study reports and the serving of statutory notices were slightly behind schedule since December 2023 and February 2024 respectively. BD and Consultant D had discussed the progress of work tasks in regular progress meetings. In November 2024, Consultant D advised that all notices for buildings selected in 2023 had been served and uploaded onto BCIS, which was about 2 months later than the target completion date of September 2024 as set out in Consultant D’s original work programme; and
 - (ii) for the other consultancy agreement awarded to Consultant D, there had been delays in submission of notice posting records and updating BCIS records. According to Consultant D’s original work programme, submission of notice posting records and updating BCIS records were targeted for completion in June and July 2024 respectively. However, as at 31 December 2024, Consultant D had not yet completed such work tasks despite BD’s repeated reminders (i.e. with delays of about 6 and 5 months respectively).

2.19 According to BD, notwithstanding the unsatisfactory performance of Consultants A, B and D in some aspects, no adverse performance reports had been issued to them as their overall performance were considered acceptable. In Audit’s view, BD needs to strengthen the monitoring of the performance of consultants engaged for issuance of statutory notices under MWIS and take measures to ensure the timely completion of assignments and achievement of objectives of the consultancy agreements.

Audit recommendations

2.20 **Audit has *recommended* that the Director of Buildings should:**

- (a) incorporate all selection factors of target buildings under Selection Mechanism B for issuance of MWIS statutory notices in BD guidelines;**
- (b) inform the Selection Panel all the selection factors (including the additional factors) considered by BD under Selection Mechanism B when seeking endorsement of Nomination List B for issuance of statutory notices under MWIS;**
- (c) document the justifications and inform the Selection Panel for its consideration and endorsement for buildings with records of fallen window incidents not selected under Selection Mechanism B for issuance of statutory notices under MWIS because MWIS statutory notices had been served in the past;**
- (d) incorporate the current practice in compiling Nomination List A under Selection Mechanism A for the Selection Panel's endorsement for issuance of statutory notices under MWIS (i.e. giving priority to buildings that had never been inspected/repaired under the scope of MWIS/MBIS) in BD guidelines;**
- (e) document the justifications and inform the Selection Panel for its consideration and endorsement for buildings with higher scores not selected under Selection Mechanism A for issuance of statutory notices under MWIS;**
- (f) conduct analyses on the statistics on the fallen window incidents with a view to making further improvement to BD's building selection mechanisms for issuance of statutory notices under MWIS; and**
- (g) strengthen the monitoring of the performance of consultants engaged for issuance of statutory notices under MWIS and take measures to ensure the timely completion of assignments and achievement of objectives of the consultancy agreements.**

Response from the Government

2.21 The Director of Buildings agrees with the audit recommendations. She has said that BD will:

- (a) update the relevant guidelines accordingly;
- (b) conduct reviews on those fallen window incidents with a view to enhancing the building selection mechanisms as far as practicable; and
- (c) explore measures to strengthen the monitoring of consultants.

Promotion of voluntary window inspection

2.22 The owners may initiate inspection and repair for windows in their buildings in accordance with the standards and procedures of MWIS voluntarily before the receipt of statutory notices from BD. According to BD guidelines:

- (a) windows in common parts of a building accredited with a satisfactory building safety rating under VBAS and with inspection/repair carried out within 5 years will not be selected for MWIS; and
- (b) where inspection/repair of windows have been completed in accordance with those prescribed under the Buildings Ordinance on a voluntary basis without joining VBAS, and BD is satisfied that the same requirements as those under MWIS are complied with, the window concerned may not be selected for MWIS within 5 years.

Need to step up efforts in promoting voluntary window inspection

2.23 In November 2024, BD informed Audit that:

- (a) to strengthen compliance with MWIS and to further promote voluntary window inspection, it had stepped up public education and publicity activities in recent years to enhance public awareness of the importance of regular window inspection and maintenance in the community (including

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organising Building Safety Weeks, broadcasting Announcements in the Public Interest on television, radio, public transport and online media, and disseminating short video films, infographics, pamphlets, layman's guides and newsletters to the public); and

- (b) it had conducted/been actively involved in briefings or talks for owners, owners' corporations, the industry and other organisations with a view to further promoting MWIS in the community and introducing the assistance available to them.

2.24 Despite BD's efforts in promoting voluntary window inspection, Audit examination revealed that the participation in voluntary window inspection was on the low side. According to BD, since the commencement of MWIS in June 2012 and up to December 2024, for buildings covered by MWIS:

- (a) 342 buildings were being assessed or were accredited under VBAS (for voluntary inspection of windows in common parts of the buildings); and
- (b) owners of 115,910 individual premises (Note 15) had conducted prescribed window inspections on a voluntary basis (for windows in individual premises).

In Audit's view, BD needs to further promote voluntary window inspection.

Audit recommendation

2.25 **Audit has *recommended* that the Director of Buildings should step up efforts in promoting voluntary window inspection and encouraging owners to carry out timely and necessary window repair on their own initiative.**

Note 15: *According to BD: (a) the majority of the individual premises with voluntary window inspection conducted were residential units; and (b) it does not have the statistics on the number of private individual premises (including all building types) aged 10 years or above and was subject to MWIS as at 31 December 2024.*

Response from the Government

2.26 The Director of Buildings agrees with the audit recommendation. She has said that BD will continue its public education and publicity activities to promote regular maintenance and voluntary window inspection.

PART 3: FOLLOW-UP ACTIONS ON STATUTORY NOTICES

3.1 This PART examines BD's follow-up actions after issuance of statutory notices under MWIS, focusing on:

- (a) administration of statutory notices (paras. 3.2 to 3.12); and
- (b) prosecution actions (paras. 3.13 to 3.20).

Administration of statutory notices

3.2 The owners served with statutory notices under MWIS are required to appoint a QP to complete the prescribed inspection and/or supervise the completion of the prescribed repair (if found necessary) within 6 months and 9 months for windows in individual premises and windows in common parts of the buildings respectively from the date of the statutory notices. A QP should submit various documents to BD within the specified timeframe for the prescribed inspection and the prescribed repair under MWIS.

3.3 BD will issue compliance letters to the owners (and copied to QPs) certifying compliance with the statutory notices under MWIS if the prescribed inspections and the prescribed repairs found necessary have been completed and the required certificates are received from QPs. MWIS statutory notice is considered not complied with if the certificates of prescribed inspection and/or repair (if necessary) of windows are not received by BD 14 days from the compliance due date (see Note 4 to para. 1.6) of the MWIS statutory notice, or if irregularities are found on the certificates.

Long-outstanding statutory notices

3.4 Since the commencement of MWIS in June 2012 and up to December 2024, BD had issued 723,219 statutory notices under MWIS (see Note 3 to para. 1.4). As at 31 December 2024, of the 723,219 statutory notices issued:

Follow-up actions on statutory notices

- (a) 29,781 (4%) statutory notices had been withdrawn (e.g. the building was going to be demolished) or superseded by new notices (e.g. the ownership of the premises had been changed);
- (b) 9,121 (1%) statutory notices were not yet due (i.e. with compliance due date after 31 December 2024) and had not yet been complied with; and
- (c) for the remaining 684,317 (95%) statutory notices, 657,670 (96% of 684,317) notices had been complied with and 26,647 (4% of 684,317) notices had not (see Table 1).

Table 1

Compliance of statutory notices under MWIS (31 December 2024)

Particulars	Number of statutory notices		
	Complied with (a)	Not complied with (Note) (b)	Total (c) = (a) + (b)
Windows in common parts	8,202 (73%)	3,049 (27%)	11,251 (100%)
Windows in individual premises owned by individual owners	649,468 (96%)	23,598 (4%)	673,066 (100%)
Overall	657,670 (96%)	26,647 (4%)	684,317 (100%)

Source: BD records

Note: Statutory notices not complied with refer to those non-compliant statutory notices with compliance due date on or before 31 December 2024.

3.5 For the 26,647 statutory notices under MWIS not complied with as at 31 December 2024, Audit noted that:

Follow-up actions on statutory notices

- (a) the non-compliance rate for windows in common parts of the buildings (27%) was much higher than that for windows in individual premises owned by individual owners (4%); and
- (b) 11,410 (43%) statutory notices had remained outstanding for more than 3 years and up to 11.6 years (averaging 6.5 years) from compliance due dates of statutory notices (see Table 2).

Table 2

Ageing analysis of non-compliant statutory notices under MWIS (31 December 2024)

Time lapsed (Note)	Number of non-compliant statutory notices		
	Windows in common parts (a)	Windows in individual premises owned by individual owners (b)	Overall (c) = (a) + (b)
1 year or less	752 (25%)	6,598 (28%)	7,350 (27%)
More than 1 year to 3 years	1,040 (34%)	6,847 (29%)	7,887 (30%)
More than 3 years to 6 years	686 (22%)	5,090 (22%)	5,776 (22%)
More than 6 years to 11.6 years	571 (19%)	5,063 (21%)	5,634 (21%)
Total	3,049 (100%)	23,598 (100%)	26,647 (100%)

Source: BD records

Note: Time lapsed was counted from the compliance due date of the statutory notice to 31 December 2024.

3.6 In this connection, Audit noted that, of the 445 fallen window incidents recorded by BD from January 2017 to December 2024 (see para. 1.2), 131 (29%) cases had been served with statutory notices under MWIS before the incidents occurred, of which 25 (19% of 131) notices had not been complied with when the incidents occurred (of the 25 notices, 18 notices had remained outstanding for a period ranging from 15 to 2,928 days (averaging 1,188 days) from compliance due dates of statutory notices, and the other 7 notices were not yet due). As at 31 December 2024, 5 of these 25 statutory notices under MWIS were still outstanding (i.e. the prescribed inspection and/or the prescribed repair of other windows of the buildings/premises had yet to be completed) (Note 16).

3.7 In Audit's view, BD needs to:

- (a) closely monitor the compliance of statutory notices under MWIS and take appropriate follow-up actions on non-compliant cases (in particular for the cases with fallen window incidents occurred); and
- (b) in view of the relatively higher non-compliance rate of MWIS statutory notices for windows in common parts of the buildings, explore measures to facilitate the owners' corporations or owners of the buildings concerned to carry out the prescribed inspection and/or the prescribed repair.

Scope for improvement in issuance of warning letters and FPNs

3.8 According to BD guidelines:

- (a) for non-compliance with statutory notices under MWIS, a warning letter should be issued to the owner within 1 month from the compliance due date of the MWIS statutory notice; and

Note 16: *According to BD, for the 5 cases with statutory notices under MWIS remained not complied with as at 31 December 2024, as at 28 February 2025: (a) the statutory notice had been complied with for 1 case; (b) repair works had been initiated for 1 case; (c) prosecution proceeding was in progress for 1 case; and (d) FPNs would be issued for the remaining 2 cases.*

Follow-up actions on statutory notices

- (b) for MWIS statutory notices served, in case their non-compliance continues without reasonable excuse after issuance of warning letter, an FPN should be issued (see Note 5 to para. 1.6).

3.9 Audit noted that there was scope for improvement in issuance of warning letters and FPNs, as follows:

- (a) ***Warning letters not timely issued for some non-compliant statutory notices.***
According to BCIS records, of the 26,647 statutory notices under MWIS not complied with as at 31 December 2024 (see Table 3):
 - (i) no warning letters had been issued to the owners for 4,975 (19%) statutory notices as at 31 December 2024. Audit noted that, of the 4,975 statutory notices, while warning letters were not yet due for issuance for 2,410 (48%) statutory notices, warning letters were due for issuance for the remaining 2,565 (52%) statutory notices (i.e. the time lapsed from the compliance due date of the statutory notice to 31 December 2024 was more than 1 month) but had not been issued, thus not meeting the time target of issuing warning letter as stipulated in BD guidelines; and
 - (ii) warning letters had been issued to the owners for 21,672 (81%) statutory notices as at 31 December 2024. However, 19,313 (89%) of the 21,672 warning letters were issued more than 1 month from the compliance due date of the statutory notice, thus not meeting the time target of issuing warning letter as stipulated in BD guidelines;

Follow-up actions on statutory notices

Table 3

Issuance of warning letters for non-compliant statutory notices (31 December 2024)

Particulars	Number of non-compliant statutory notices	
(A) Without warning letter issued		
(i) not yet due for issuance (Note 1) (a)	2,410 (48%)	
(ii) due for issuance but not yet issued with time lapsed (Note 1)		
- more than 1 month to 1 year	2,309 (46%)	} 2,565 (52%)
- more than 1 year to 3 years	253 (5%)	
- more than 3 years to 5.7 years (Note 2)	3 (1%)	
Sub-total (b)	2,565	
Sub-total (c) = (a) + (b)	4,975 (100%)	
(B) With warning letter issued		
(i) with time lapsed of 1 month or less (Note 3) (d)	2,344 (10%)	
(ii) with time lapsed (Note 3)		
- more than 1 month to 1 year	13,124 (60%)	} 19,313 (89%)
- more than 1 year to 3 years	4,028 (19%)	
- more than 3 years to 6 years	2,066 (9%)	
- more than 6 years to 9.9 years (Note 4)	95 (1%)	
Sub-total (e)	19,313	
(iii) with compliance due date later than warning letter date (Note 5) (f)	15 (1%)	
Sub-total (g) = (d) + (e) + (f)	21,672 (100%)	
Total (h) = (c) + (g)	26,647	

Source: BD records

Note 1: Time lapsed was counted from the compliance due date of the statutory notice to 31 December 2024.

Note 2: According to BD, the longest case (with 5.7 years) has been under appeal and no warning letter was issued.

Table 3 (Cont'd)

Note 3: Time lapsed was counted from the compliance due date of the statutory notice to the warning letter date.

Note 4: According to BD, for the longest case (with 9.9 years), the related statutory notice was wrongly considered as “complied with” due to incorrect premises address in a certificate submitted by a QP. After discovering the mistake in the certificate, a warning letter was issued for the related statutory notice in 2022.

Note 5: According to BD, extension of time was granted after the issuance of warning letter and the original compliance due date was revised accordingly. Hence, the revised compliance due date was later than the warning letter date.

(b) ***FPNs not timely issued for some non-compliant statutory notices.***
According to BCIS records, of the 21,672 non-compliant statutory notices with warning letters issued as at 31 December 2024 (see Table 4):

- (i) no FPNs had been issued to the owners for 18,352 (85%) statutory notices as at 31 December 2024, of which the time lapsed from the compliance due date of the statutory notice to 31 December 2024 for 15,913 (87%) notices was more than 1 year; and
- (ii) 4,208 FPNs had been issued to the owners for 3,320 (15%) statutory notices as at 31 December 2024, of which for 2,899 (87%) statutory notices, the related FPNs were issued more than 1 year from the compliance due date of the statutory notice.

In this connection, Audit noted that, after conducting a review on the issuance of FPN, BD introduced an enhancement measure in July 2024, stipulating that an FPN should be issued within 6 months from the compliance due date of the statutory notice to ensure the effectiveness of FPN; and

Table 4

**Issuance of FPNs for non-compliant statutory notices
with warning letters issued
(31 December 2024)**

Time lapsed	Number of non-compliant statutory notices with warning letters issued	
(A) Without FPN issued (Note 1)		
- 1 year or less	2,439	(13 %)
- more than 1 year to 3 years	6,894	(38 %)
- more than 3 years to 6 years	4,943	(27 %)
- more than 6 years to 11.1 years (Note 2)	4,076	(22 %)
Sub-total (a)	18,352	(100 %)
(B) With FPN issued (Note 3)		
- 1 year or less	421	(13 %)
- more than 1 year to 3 years	924	(28 %)
- more than 3 years to 6 years	1,049	(31 %)
- more than 6 years to 10.9 years (Note 4)	926	(28 %)
Sub-total (b)	3,320	(100 %)
Total (c) = (a) + (b)	21,672	

15,913
(87%)

2,899
(87%)

Source: BD records

Note 1: Time lapsed was counted from the compliance due date of the statutory notice to 31 December 2024.

Note 2: According to BD, for the longest case (with 11.1 years), the repair works for windows in common parts of the building had been initiated and was in progress as at 28 February 2025, and hence, FPN was not issued.

Note 3: Time lapsed was counted from the compliance due date of the statutory notice to the date of FPN.

Note 4: According to BD, for the longest case (with 10.9 years), long time taken to issue an FPN was due to mis-location of the subject file.

Follow-up actions on statutory notices

- (c) ***Some FPNs issued not paid.*** According to BD guidelines, in the event that the fixed penalty of \$1,500 has not been paid within 21 days from the date of FPN and the notification for dispute of liability has not been received, BD may make an application to the magistrate (i.e. application of Court Order) under the Buildings Ordinance ordering the person to pay the fixed penalty of \$1,500 plus \$300 by way of costs. In this connection, Audit noted that 4,208 FPNs were issued for the 3,320 non-compliant statutory notices as at 31 December 2024 (see (b)(ii) above). Of these 4,208 FPNs, 2,045 (49%) were not yet paid as at 31 December 2024 and BD had not yet referred these unpaid FPNs to the Court for settlement.

3.10 In Audit's view, BD needs to:

- (a) issue warning letters and FPNs for non-compliant MWIS statutory notices in a timely manner in accordance with the time targets as stipulated in its guidelines; and
- (b) refer warranted unpaid FPNs to the Court in accordance with its guidelines where appropriate.

Audit recommendations

3.11 **Audit has *recommended* that the Director of Buildings should:**

- (a) **closely monitor the compliance of statutory notices under MWIS and take appropriate follow-up actions on non-compliant cases (in particular for the cases with fallen window incidents occurred);**
- (b) **in view of the relatively higher non-compliance rate of MWIS statutory notices for windows in common parts of the buildings, explore measures to facilitate the owners' corporations or owners of the buildings concerned to carry out the prescribed inspection and/or the prescribed repair;**
- (c) **issue warning letters and FPNs for non-compliant MWIS statutory notices in a timely manner in accordance with the time targets as stipulated in BD guidelines; and**

- (d) **refer warranted unpaid FPNs to the Court in accordance with BD guidelines where appropriate.**

Response from the Government

3.12 The Director of Buildings agrees with the audit recommendations. She has said that BD will explore measures to:

- (a) closely monitor the compliance of MWIS statutory notices, particularly for the cases with fallen window incidents;
- (b) boost the compliance rate of MWIS statutory notices for windows in common parts of the buildings; and
- (c) ensure timely issuance of warning letters and FPNs, and referral of warranted unpaid FPNs to the Court.

Prosecution actions

3.13 According to BD guidelines:

- (a) prior to instigating prosecution actions, an FPN must be served on a person who, without reasonable excuse, fails to comply with an MWIS statutory notice; and
- (b) prosecution actions to be instigated against the offenders must be commenced within 12 months of the commission of the offence or within 12 months of the same being discovered by or coming to the notice of BD.

According to BD, to speed up the prosecution actions, since January 2019, for non-compliant statutory notices after serving the FPNs, they will be referred to the

Follow-up actions on statutory notices

Fast Track Prosecution Teams (FPT — Note 17) to arrange for issuance of summonses on the owners concerned for warranted cases.

Need to step up referral of non-compliant statutory notices for instigating prosecution actions

3.14 Audit noted that, while BD had set up FPT to expedite prosecution actions on non-compliant statutory notices under MWIS since January 2019, a large number of non-compliant notices had not yet been referred to FPT for instigating prosecution actions as at 31 December 2024, and BD took a long time to refer some non-compliant notices for prosecution actions. As at 31 December 2024, of the 3,320 non-compliant statutory notices under MWIS with FPNs served:

- (a) 2,792 (84%) non-compliant notices had not yet been referred to FPT for instigating prosecution actions. In particular, the FPNs for 2,736 (98%) of the 2,792 non-compliant notices were served in or after January 2019 (i.e. when FPT was set up to expedite prosecution actions on non-compliant statutory notices under MWIS); and
- (b) 528 (16%) non-compliant notices had been referred to FPT for instigating prosecution actions. 299 (56% of 528) of these non-compliant notices were referred to FPT more than 1 year and up to 9.4 years (averaging 2.4 years) from the date of FPN (Note 18) (see Table 5).

Note 17: *In January 2019, BD set up FPT under the MBI Sections to expedite prosecution actions on non-compliant statutory notices under MWIS and MBIS. Before January 2019, non-compliant statutory notices were referred to the Legal Services Section of BD for instigating prosecution actions.*

Note 18: *According to BD, reasons for taking a long time to refer non-compliant notices to FPT include: (a) disputes raised by owners; (b) extension of time granted to owners with positive response after receipt of FPNs; and (c) assistance required for cases involving windows in common parts of the buildings. Regarding the longest case (with 9.4 years), BD took time to carry out site visit to outreach the owners/occupants who still could not be reached as at 28 February 2025.*

Table 5

**Referral of non-compliant statutory notices under MWIS
for instigating prosecution actions
(31 December 2024)**

Time lapsed (Note)	Number of non-compliant statutory notices referred to FPT	
1 year or less	229	(44 %)
More than 1 year to 3 years	233	(44 %)
More than 3 years to 5 years	54	(10 %)
More than 5 years to 9.4 years	12	(2 %)
Total	528	(100 %)

Source: BD records

Note: Time lapsed was counted from the date of FPN to the date of referral for instigating prosecution actions.

3.15 In Audit's view, BD needs to step up referral of non-compliant statutory notices under MWIS to FPT for instigating prosecution actions and remind its staff to follow the related guidelines.

Need to instigate further prosecution actions for warranted continuous non-compliant statutory notices

3.16 According to BD guidelines, after the Court has convicted an owner for non-compliance with a statutory notice under MWIS, a warning letter should be issued to the owner for taking action to comply with the statutory notice without further delay. Once continuous non-compliance without reasonable excuse is ascertained, immediate referral to FPT for instigating second prosecution actions should be made.

3.17 Audit noted that, of the 528 MWIS statutory notices which had been referred for instigating prosecution actions and remained non-compliant as at 31 December 2024, 126 defendants for 107 non-compliant statutory notices had been convicted. However, Audit noted that no referral for instigating second prosecution

Follow-up actions on statutory notices

actions had been made for 85 (79% of 107) statutory notices as at 31 December 2024, of which their convictions were made 12 to 1,496 days (averaging 570 days) ago.

3.18 According to BD, for convicted cases, BD may provide further support with a view to facilitating the owners to voluntarily comply with MWIS statutory notices, rather than instigating second prosecution actions. In Audit's view, to serve as a more effective deterrent, BD needs to closely monitor the compliance status of statutory notices for convicted non-compliant cases and instigate further prosecution actions for warranted continuous non-compliant statutory notices under MWIS.

Audit recommendations

3.19 **Audit has *recommended* that the Director of Buildings should:**

- (a) **step up referral of non-compliant statutory notices under MWIS to FPT for instigating prosecution actions and remind BD staff to follow the related guidelines; and**
- (b) **closely monitor the compliance status of statutory notices for convicted non-compliant cases and instigate further prosecution actions for warranted continuous non-compliant statutory notices under MWIS.**

Response from the Government

3.20 The Director of Buildings agrees with the audit recommendations. She has said that BD will:

- (a) continue to explore streamlining measures for instigating prosecutions and provide more briefings to its staff to ensure the related guidelines be followed; and
- (b) explore streamlining measures to instigate further prosecutions for continuous non-compliant MWIS statutory notices.

PART 4: MONITORING OF QUALIFIED PERSONS AND OTHER ISSUES

4.1 This PART examines the monitoring of QPs and other issues related to MWIS, focusing on:

- (a) monitoring of QPs' submissions under MWIS (paras. 4.2 to 4.21); and
- (b) other issues (paras. 4.22 to 4.37).

Monitoring of Qualified Persons' submissions under Mandatory Window Inspection Scheme

4.2 The owners served with statutory notices under MWIS are required to appoint a QP to complete the prescribed inspection and/or supervise the completion of the prescribed repair (if found necessary) within 6 months and 9 months for windows in individual premises and windows in common parts of the buildings respectively from the date of the statutory notices. BD has kept a register of QPs (Note 19) and established a regulatory mechanism under the Buildings Ordinance for monitoring QPs under MWIS. As at 31 December 2024, there were 18,941 QPs.

4.3 ***MWIS submissions.*** According to the Building (Inspection and Repair) Regulation (Cap. 123P), a QP should submit the following documents to BD within the specified timeframe under MWIS:

- (a) a notification of appointment of QP within 7 days after the date of appointment;

Note 19: *A QP appointed to carry out the prescribed inspection or supervision of the prescribed repair for windows under MWIS shall be a person whose name is for the time being on one of the following registers kept by BD: (a) Authorised Person; (b) Registered Structural Engineer; (c) Registered Inspector; (d) Registered General Building Contractors; or (e) Registered Minor Works Contractors registered for the class, type and item of minor works in respect of windows.*

Monitoring of Qualified Persons and other issues

- (b) if no prescribed repair is required, a certificate of prescribed inspection of windows within 14 days after the completion of the prescribed inspection;
- (c) if a prescribed repair is required, and the same QP who carried out the prescribed inspection is appointed to carry out the supervision of the prescribed repair, a certificate of prescribed inspection and repair of windows within 14 days after the completion of the prescribed repair; and
- (d) if a prescribed repair is required, and the QP appointed to carry out the supervision of the prescribed repair is different from the QP who carried out the prescribed inspection:
 - (i) a certificate of prescribed inspection of windows within 7 days after the completion of the prescribed inspection (by the QP appointed for the prescribed inspection); and
 - (ii) a certificate of prescribed repair of windows within 14 days after the completion of the prescribed repair (by the QP appointed for supervision of the prescribed repair).

4.4 ***Procedures for BD's audit checks of MWIS submissions.*** According to BD, to ensure that the inspection and repair of windows are carried out in accordance with the Buildings Ordinance, it conducts sample checking on MWIS submissions from QPs. According to BD guidelines, upon receipt of QPs' MWIS submissions, BD clerical grade staff will conduct preliminary checks on the submissions (e.g. verification of the registration status of QPs against the records as shown in the register of QPs). After the preliminary checks, BD will select some of the submissions for audit checks, as follows:

- (a) ***Document audit.*** For selected submissions, BD will conduct document audits on submissions received to verify compliance with the scopes and requirements under the Buildings Ordinance, the relevant Code of Practice and Practice Notes;
- (b) ***Site audit.*** Apart from document audits, BD will also conduct site audits on the selected submissions to verify the accuracy of the submissions with regard to the actual window condition. BD staff will issue letters to the

owners/occupants notifying that their premises have been selected for site audits and then arrange site inspections as follows:

- (i) if there is response from the owner/occupant, site inspection to the premises should be arranged within two weeks;
 - (ii) if there is no response from the owner/occupant after two weeks, BD staff should visit the premises within the following two weeks, and in case of no entry, leave a contact slip requesting arrangement of access for inspection; and
 - (iii) if there is no response from the owner/occupant two weeks after serving the contact slip or the owner/occupant refuses to provide access, no further action will be taken and the site audit will be dropped; and
- (c) **Record keeping.** The results of the document and site audits will be recorded on a standard manual checklist (with results indicated as satisfactory, unsatisfactory or dropped (for site audit)) and filed in subject files. BD will also record the results of its audit checks in BCIS.

According to BD, an audit check is only considered successful if both the document and site audits have been carried out (i.e. the premises selected for audit check was accessible for site audit).

4.5 Follow-up actions on irregularities identified. According to BD guidelines, BD will take the following actions for irregularities identified during its audit checks of MWIS submissions from QPs:

- (a) for irregularities that are of minor nature without causing danger (e.g. existing window defects omitted in the repair but unlikely to cause injury or damage) or missing or unclear information in the submitted documents, BD will issue a reminder letter within two weeks to the QP concerned requesting clarification and/or rectification. In case there is no positive response from the QP within one month or the time limit set out in the reminder letter, BD should issue a warning letter to the QP concerned within the next two weeks;

Monitoring of Qualified Persons and other issues

- (b) when the audit check reveals that a QP has failed to discharge the duties or abide by the requirements imposed under the Buildings Ordinance (e.g. not carrying out the prescribed inspection personally), BD will conduct an investigation and collect evidence with a view to instigating prosecution action against the QP concerned under the Buildings Ordinance (Note 20). In case there is insufficient evidence to instigate prosecution action against the QP concerned and with the advice of prosecution teams, a warning letter should be issued to the QP concerned;
- (c) according to the Buildings Ordinance, if a QP has been convicted by any Court of an offence relating to building works or street works, has been negligent or has misconducted himself in building works or street works, or has failed to discharge the duties or abide by the requirements imposed in respect of a prescribed inspection or prescribed repair, BD may refer such case to the disciplinary board for conducting hearing of disciplinary proceedings. If a QP has been convicted by the disciplinary board, the QP may be removed from the register of QPs either permanently or temporarily, or duly considered when processing registration renewal application; and
- (d) BD maintains a watch list of QPs with warning letters issued and QPs convicted by the Court and/or the disciplinary board. BD will select one submission from each of the QPs on the watch list for extra audit checks in addition to normal sampling quarterly. QPs will be removed from the watch list only if the results of audit checks of the QPs concerned are found satisfactory in two consecutive quarters.

From time to time, BD also receives public reports about poor performance of QPs or reports of fallen window incidents after completion of the prescribed inspection/repair under MWIS. Upon receiving such reports, BD will conduct investigations and take follow-up actions on irregularities identified as mentioned above.

Note 20: *Under the Buildings Ordinance, penalties for offences under MWIS include, for example, a QP who fails to carry out the prescribed inspection personally or provide proper supervision of the carrying out of the prescribed repair is liable on conviction to a fine of up to \$250,000, and a QP who fails to ensure that the window is safe or has been rendered safe is liable on conviction to a fine of up to \$1,000,000 and imprisonment for up to three years.*

4.6 According to BD, from 2019 to 2024, there were 30 cases with investigations conducted on the irregularities or malpractice of QPs under MWIS, of which 22 cases were found substantiated for instigating prosecution actions. The QPs concerned of 20 cases were convicted of various offences and fined (ranging from \$2,000 to \$30,000), of which 19 cases were referred to the disciplinary board for conducting hearing of disciplinary proceedings (Note 21). For the remaining 2 (22 less 20) cases, 1 QP was acquitted and the other QP was served with a summons in August 2024 for a hearing scheduled to be held in May 2025.

Some MWIS submissions not timely submitted

4.7 According to the Building (Inspection and Repair) Regulation, a QP should submit relevant MWIS submissions to BD within the specified timeframe after the completion of the prescribed inspection and/or the prescribed repair under MWIS. Audit examined BCIS records for MWIS submissions by QPs in 2024 and noted that:

- (a) ***Notification of appointment of QP.*** Under MWIS, a QP is required to submit the notification of appointment of QP to BD within 7 days after the date of appointment as a statutory requirement. However, BD had not maintained the appointment dates of QPs in BCIS and therefore Audit could not ascertain the extent of compliance of this statutory requirement by QPs. In response to Audit's enquiry, BD informed Audit in March 2025 that:
 - (i) BD conducted a review in 2017 to streamline the form submission process. With the support from the trade, effective from April 2018, the notification of appointment of QP had been combined with the certificate of prescribed inspection/repair of windows. Thereafter, BD no longer required QPs to submit the notification of appointment of QP; and

Note 21: *According to BD: (a) for the 19 cases with hearing of disciplinary proceedings conducted, various disciplinary actions were enforced, including prohibiting the QPs concerned from certifying any prescribed inspection or certifying/supervising any prescribed repair, and not renewing the registration of QPs concerned; and (b) for the remaining case not referred to the disciplinary board, the QP concerned had already been removed from the Register of Minor Works Contractors and hence, no referral to the disciplinary board was required.*

Monitoring of Qualified Persons and other issues

- (ii) BD would conduct a review on the feasibility to revise the relevant legal requirement to align with the current practice;
- (b) *Submissions after prescribed inspections of windows (where prescribed repairs were not required).* According to BCIS records, BD received 21,759 certificates of prescribed inspection of windows submitted by QPs (for cases where prescribed repairs were not required) under MWIS in 2024. Audit found that 1,977 (10%) certificates were received by BD more than 14 days and up to 5 years (averaging 53 days) after the completion of the prescribed inspections of windows (see Table 6), not meeting the 14-day statutory requirement (see also para. 4.24(b) for Audit's findings on BCIS records);

Table 6

**MWIS submissions after prescribed inspections of windows
(2024)**

Time lapsed (Note 1)	Number of certificates of prescribed inspection of windows	
14 days or less	19,782	(90 %)
More than 14 days to 1 month	867	(3 %)
More than 1 month to 6 months	1,059	(4 %)
More than 6 months to 1 year	27	(1 %)
More than 1 year to 2 years	17	(1 %)
More than 2 years to 5 years (Note 2)	7	(1 %)
Total	21,759	(100 %)

Source: BD records

Note 1: Time lapsed was counted from the completion date of the prescribed inspection to the date of receipt of certificate of prescribed inspection of windows by BD.

Note 2: For the longest case, the certificate of prescribed inspection of windows was received 1,807 days (i.e. about 5 years) after the completion of the prescribed inspection. According to BD, the QP concerned submitted a certificate with incorrect information (i.e. wrong notice number) in 2019, and upon clearance of backlog by BD in 2024, the QP concerned re-submitted the certificate with correct information in 2024.

- (c) ***Submissions after prescribed inspections of windows (where prescribed repairs were required and a different QP was appointed to carry out the supervision work).*** If the prescribed inspection and the supervision of the prescribed repair are responsible by different QPs, a certificate of prescribed inspection of windows should be submitted by the QP appointed for the prescribed inspection within 7 days after the completion of the prescribed inspection. According to BCIS records, BD received 330 such certificates of prescribed inspection of windows submitted by QPs under MWIS in 2024. However, Audit noted that the completion dates of the prescribed inspections were missing in BCIS and Audit could not ascertain the extent of compliance of this statutory requirement by QPs (see also para. 4.24(b) for Audit's findings on BCIS records); and

Monitoring of Qualified Persons and other issues

- (d) *Submissions after prescribed repairs of windows.* According to BCIS records, BD received 16,741 certificates of prescribed repair of windows submitted by QPs under MWIS in 2024. Audit found that 1,204 (8%) certificates were received by BD more than 14 days and up to 4.6 years (averaging 54 days) after the completion of the prescribed repairs of windows (see Table 7), not meeting the 14-day statutory requirement (see also para. 4.24(b) for Audit's findings on BCIS records).

Table 7

**MWIS submissions after prescribed repairs of windows
(2024)**

Time lapsed (Note 1)	Number of certificates of prescribed repair of windows	
14 days or less	15,537	(92%)
More than 14 days to 1 month	570	(2%)
More than 1 month to 6 months	601	(3%)
More than 6 months to 1 year	15	(1%)
More than 1 year to 2 years	9	(1%)
More than 2 years to 4.6 years (Note 2)	9	(1%)
Total	16,741	(100%)

Source: BD records

Note 1: Time lapsed was counted from the completion date of the prescribed repair to the date of receipt of certificate of prescribed repair of windows by BD.

Note 2: For the longest case, the certificate of prescribed repair of windows was received 1,697 days (i.e. about 4.6 years) after the completion of the prescribed repair. According to BD, the QP concerned submitted a certificate in 2019 which was rejected by BD due to incorrect information, and upon clearance of backlog by BD in 2024, the QP concerned re-submitted the certificate with correct information in 2024.

- 4.8 In Audit's view, BD needs to:
- (a) timely conduct the review on the feasibility to revise the legal requirement of submitting the notification of appointment of QP to BD within 7 days after the date of appointment with a view to aligning with the current practice agreed with the trade; and
 - (b) strengthen monitoring of QPs' MWIS submissions and take measures to ensure that QPs comply with the statutory submission time limit (e.g. issuing reminder letters or warning letters to non-compliant QPs).

Low success rate in conducting audit checks

4.9 BD targets to conduct a minimum of 500 successful audit checks on MWIS submissions each year in order to attain an acceptable quality control of service providers. According to BD:

- (a) in order to achieve such number of successful audit checks in a year, the sample size is adjusted in response to the change in the success rate;
- (b) one major reason for unsuccessful audit check was failing to gain entry into the selected premises due to the unavailability of owner/occupant when BD staff carry out site audit (only during office hours); and
- (c) since September 2020, it has outsourced some of the site audits on MWIS submissions (during office and non-office hours) to consultants in order to increase the success rate of site audits (Note 22).

Note 22: *According to BD, consultants are generally assigned to conduct audit checks for windows in individual premises, and BD staff mainly conduct audit checks for windows in common parts of the buildings and over-spill cases from consultants. There were 2 consultancy agreements prevailing as at 31 December 2024 and they were awarded in 2023 to 2 consultants respectively (with a total contract sum of about \$4.9 million) for carrying out the site audits of windows under MWIS and buildings under MBIS with a contract period of 24 months (from 25 September 2023 to 24 September 2025).*

Monitoring of Qualified Persons and other issues

4.10 Notwithstanding the outsourcing arrangement of conducting site audits, Audit noted that the success rates in conducting audit checks (i.e. the number of successful audit checks as a percentage to total number of audit checks completed) from 2021 to 2024 were on the low side, ranging from 11% to 29%, and while the success rate increased from 11% in 2021 to 29% in 2023, it dropped to 24% in 2024 (see Table 8). In Audit's view, BD needs to keep under review the success rate in conducting audit checks on MWIS submissions by QPs and explore measures to improve the success rate.

Table 8
Number and results of successful audit checks
(2021 to 2024)

Year of completing audit checks	Number of successful audit checks (Note 1)			Total number of audit checks completed (d)	Success rate (e) = (c) ÷ (d) × 100%
	Satisfactory results (Note 2) (a)	Unsatisfactory results (Note 3) (b)	Total (c) = (a) + (b)		
2021	743 (95%)	43 (5%)	786 (100%)	7,001	11%
2022	597 (92%)	54 (8%)	651 (100%)	2,612	25%
2023	488 (95%)	25 (5%)	513 (100%)	1,785	29%
2024	459 (91%)	46 (9%)	505 (100%)	2,093	24%

Source: BD records

Note 1: BD has been targeting to conduct a minimum of 500 successful audit checks on MWIS submissions each year since May 2021.

Note 2: An audit check was considered satisfactory if the results of both document and site audits were satisfactory.

Note 3: An audit check was considered unsatisfactory if the results of document and/or site audits were unsatisfactory.

Long time taken to complete audit checks on some MWIS submissions

4.11 According to BD guidelines, BD's audit checks should be completed within 14 weeks (i.e. about 3.2 months), counting from the date of issuance of letter to the owner/occupant notifying the conduct of site audit to the completion date of audit check. However, according to BD, in practice, under the current monitoring mechanism of BD, in measuring the time taken to complete an audit check, the date of receipt of QP's submission (i.e. when BD was first aware of the completion of a window inspection/repair) is counted as the start date of the audit check for monitoring the progress.

4.12 Based on the current monitoring mechanism adopted by BD, Audit examined the time taken by BD to complete audit checks on 2,070 (2,093 less 23 (Note 23)) submissions which were completed in 2024, and found that BD's audit checks on 233 (11%) submissions were completed more than 6 months and up to 2.2 years (averaging 282 days) after the receipt of QPs' submissions by BD (see Table 9).

Note 23: *According to BD, out of the 2,093 audit checks completed in 2024, 23 audit checks were extra audit checks in addition to normal sampling for monitoring the performance of QPs on the watch list (see para. 4.5(d)) and occasionally some old submissions from the QPs concerned had to be selected. Therefore, the time target for completion of audit checks was not applicable to these cases.*

Table 9

BD's audit checks on MWIS submissions completed in 2024

Time taken to complete audit check (Note 1)	Number of submissions with audit checks completed
3 months or less	1,294 (63 %)
More than 3 months to 6 months	543 (26 %)
More than 6 months to 1 year	195 (9 %)
More than 1 year to 2.2 years (Note 2)	38 (2 %)
	233 (11 %)
Total	2,070 (100 %)

Source: BD records

Note 1: Time taken was counted from the date of receipt of QP's submission to the completion date of audit check.

Note 2: According to BD, the longest case (which took 792 days or 2.2 years to complete) was due to mis-location of the subject file.

4.13 In Audit's view, BD needs to:

- (a) consider revising the time target for completion of audit checks in order to reflect its current practice in monitoring the completion of audit checks (i.e. taking into account the time taken from the receipt of QPs' submissions to the completion of audit checks); and
- (b) take measures to complete its audit checks on MWIS submissions in a timely manner in accordance with its guidelines.

Need to take timely follow-up actions on irregularities identified during audit checks

4.14 As shown in Table 8 in paragraph 4.10, about 5% to 9% of the successful audit checks completed from 2021 to 2024 had unsatisfactory results (i.e. the results of document and/or site audits were unsatisfactory). According to BCIS records, of the successful audit checks completed by BD in 2024 on 505 MWIS submissions,

46 submissions (9%) had unsatisfactory results. Audit examined the subject files of audit checks on 10 MWIS submissions and noted that:

- (a) ***BD's audit check results inaccurately recorded in BCIS.*** For 2 MWIS submissions, BD's audit check results were inaccurately recorded in BCIS. According to the file records, the site audit for 1 submission was dropped as there was no response from the owner/occupant after serving the contact slip, and the site audit result of another submission was satisfactory. However, the results of these 2 site audits were inaccurately recorded in BCIS as unsatisfactory (see also para. 4.26 for Audit's finding on BCIS records); and
- (b) ***Follow-up actions on irregularities identified not timely taken.*** According to BD guidelines, BD will issue reminder letters and/or warning letters to the QPs concerned for minor irregularities identified in MWIS submissions (see para. 4.5(a)). For the other 8 MWIS submissions with unsatisfactory site audit results recorded in BCIS, BD's follow-up actions on some submissions were not timely taken, as follows:
 - (i) ***Reminder letters not timely issued.*** For 4 MWIS submissions, BD issued reminder letters to the QPs concerned regarding the irregularities identified during its audit checks more than two weeks (ranging from 27 to 146 days, averaging 71 days) after the completion of audit checks, not meeting the two-week requirement under BD guidelines; and
 - (ii) ***Warning letter not issued.*** For 1 of the 4 MWIS submissions mentioned in (i) above, the QP concerned was required to provide a response by 18 June 2024 as set out in the reminder letter. While the QP concerned had failed to provide a response within the time limit set out in the reminder letter, BD had not issued a warning letter to the QP as at 31 December 2024, not meeting the requirement under BD guidelines.

4.15 In Audit's view, BD needs to take timely follow-up actions on irregularities identified during its audit checks on MWIS submissions (including issuing reminder letters and warning letters to the QPs concerned) in accordance with its guidelines.

Scope for improvement in taking follow-up actions on fallen window cases with complied MWIS statutory notices

4.16 According to BD, fallen window incidents which occurred after the completion of the prescribed inspection/repair under MWIS may indicate possible malpractice of the QPs who carried out the prescribed inspection and/or the supervision of the prescribed repair for the fallen windows. For fallen window incidents recorded, BD will take follow-up actions on irregularities identified. The 445 fallen window incidents from January 2017 to December 2024 recorded by BD comprised 387 cases reported to BD and 58 cases identified from the media by BD staff for the purpose of Selection Mechanism B (see para. 2.5). For some of those fallen window incidents identified from the media by BD staff, BD could only identify the buildings concerned but not the exact premises in which the fallen window incidents took place.

4.17 Of the 445 fallen window incidents, 131 cases had been served with MWIS statutory notices before the incidents occurred. Of these 131 cases with MWIS statutory notices served, the MWIS statutory notices of 25 cases had remained not complied with when the incidents occurred (see para. 3.6). Audit examined BD's follow-up actions on the remaining 106 (131 less 25) fallen window cases, and found that:

- (a) ***Compliance status of statutory notices not ascertained for some cases.*** According to BD, no follow-up actions could be taken on 14 of the 106 fallen window cases because the exact premises in which the fallen window incidents took place could not be identified even after attending site by BD staff. While BD could ascertain that the owners of the buildings concerned were served with statutory notices (hence covering all the premises and common parts of the buildings), the exact premises in which the fallen window incidents took place could not be located. Hence, BD could not ascertain whether the owners of the premises concerned had complied with the statutory notices when the incidents occurred; and
- (b) ***Records of follow-up actions on QPs not maintained for some cases.*** For the remaining 92 fallen window cases, BD could locate the exact premises in which the fallen window incidents took place and ascertain that the relevant statutory notices had been certified by QPs as being complied with before the incidents occurred. According to BD:

- (i) follow-up actions (e.g. desk study and/or site inspections to confirm if there was any malpractice of the QPs concerned) had been duly taken on all the 92 cases, of which 4 cases had been warranted for full investigations for the purpose of instigating prosecution or disciplinary actions against the QPs concerned (Note 24); and
- (ii) while BD maintained records of full investigations on the 4 cases mentioned in (i) above, it had not maintained records of follow-up actions and justifications of not conducting full investigations on the QPs concerned for the remaining 88 (92 less 4) cases.

4.18 In Audit's view, BD needs to:

- (a) endeavour to ascertain the details of fallen window incidents (e.g. the exact premises involved in the fallen window incidents and the compliance status of the statutory notices under MWIS) as far as practicable with a view to enabling necessary follow-up actions (e.g. conducting full investigations on the QPs concerned); and
- (b) maintain full records of follow-up actions on QPs for fallen window cases with complied MWIS statutory notices (including the justifications if full investigations are not conducted on the QPs concerned).

Need to further promote MWIS submissions by electronic means

4.19 For QPs' submissions under MWIS, other than submissions in paper form by post or in person, BD has set up a designated e-mail address to receive submissions in electronic format and the Electronic Forms Submission System to facilitate online submission of specified forms via its website. Audit noted that while the percentage of MWIS submissions by electronic means had increased from 2% in 2020 to 8% in

Note 24: *According to BD, of the 4 fallen window cases with full investigations conducted on potential malpractice of the QPs concerned, BD had instigated prosecution actions against 3 cases, as follows: (a) the QP concerned of 1 case was convicted of an offence and fined \$5,000; (b) for another case, the charges were dropped due to insufficient evidence; and (c) for the remaining case, a summons was served to the QP concerned in August 2024 for a hearing scheduled to be held in May 2025.*

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2024, the number of MWIS submissions by electronic means was still on the low side (see Table 10). In Audit's view, BD needs to take measures to further promote MWIS submissions by electronic means.

Table 10

**Number of MWIS submissions received
(2020 to 2024)**

Year	Number of MWIS submissions received		
	In paper form (a)	By electronic means (b)	Total (c) = (a) + (b)
2020	41,730 (98%)	891 (2%)	42,621 (100%)
2021	57,218 (97%)	1,538 (3%)	58,756 (100%)
2022	59,654 (97%)	2,154 (3%)	61,808 (100%)
2023	45,726 (93%)	3,205 (7%)	48,931 (100%)
2024	47,697 (92%)	4,375 (8%)	52,072 (100%)

Source: BD records

Audit recommendations

4.20 Audit has *recommended* that the Director of Buildings should:

- (a) **timely conduct the review on the feasibility to revise the legal requirement of submitting the notification of appointment of QP to BD within 7 days after the date of appointment with a view to aligning with the current practice agreed with the trade;**
- (b) **strengthen monitoring of QPs' MWIS submissions and take measures to ensure that QPs comply with the statutory submission time limit (e.g. issuing reminder letters or warning letters to non-compliant QPs);**
- (c) **keep under review the success rate in conducting audit checks on MWIS submissions by QPs and explore measures to improve the success rate;**

- (d) **consider revising the time target for completion of audit checks in order to reflect BD's current practice in monitoring the completion of audit checks (i.e. taking into account the time taken from the receipt of QPs' submissions to the completion of audit checks);**
- (e) **take measures to complete BD's audit checks on MWIS submissions in a timely manner in accordance with BD guidelines;**
- (f) **take timely follow-up actions on irregularities identified during BD's audit checks on MWIS submissions (including issuing reminder letters and warning letters to the QPs concerned) in accordance with BD guidelines;**
- (g) **endeavour to ascertain the details of fallen window incidents (e.g. the exact premises involved in the fallen window incidents and the compliance status of the statutory notices under MWIS) as far as practicable with a view to enabling necessary follow-up actions (e.g. conducting full investigations on the QPs concerned);**
- (h) **maintain full records of follow-up actions on QPs for fallen window cases with complied MWIS statutory notices (including the justifications if full investigations are not conducted on the QPs concerned); and**
- (i) **take measures to further promote MWIS submissions by electronic means.**

Response from the Government

4.21 The Director of Buildings agrees with the audit recommendations. She has said that BD will:

- (a) **conduct the review to set a feasible timeframe for the necessary legal amendment;**
- (b) **explore measures to strengthen monitoring of timely MWIS submissions by QPs, as well as provide more guidelines and briefings to them;**

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- (c) regarding the audit checks on MWIS submissions by QPs:
 - (i) continue to explore measures to improve the success rate;
 - (ii) update the relevant internal instructions to reflect the actual time target for completion of audit checks;
 - (iii) explore streamlining measures as well as provide more guidelines and briefings to its staff to ensure timely completion of audit checks; and
 - (iv) conduct reviews on the follow-up actions on irregularities identified during audit checks with a view to enhancing effectiveness of issuing reminder letters and warning letters to the QPs concerned;
- (d) explore facilitating measures to ascertain the details of fallen window incidents and provide more guidelines to its staff;
- (e) explore streamlining measures to maintain records and provide a standard template for follow-up fallen window cases; and
- (f) further explore measures to promote the use of electronic submissions.

Other issues

Need to ensure that data relating to MWIS are completely and accurately recorded in BCIS

4.22 Under MWIS, QPs are required to submit to BD various documents during different stages of window inspection and repair and a lot of information are recorded in BCIS (examples include the receipt of certificate of prescribed inspection of windows and certificate of prescribed repair of windows relating to statutory notices, and the results of audit checks on MWIS submissions from QPs). According to BD, the objectives of BCIS include providing:

- (a) an effective means of recording, processing and retrieving details of statutory notices;

- (b) timely and up-to-date information on the status of statutory notices for internal monitoring and handling of enquiries; and
- (c) enquiries and statistical reporting facilities for operational and planning purposes.

4.23 To enhance transparency, information about the issuance and compliance status of statutory notices under MWIS has been uploaded onto BD's website for searching by the public. According to BD guidelines, as the relevant information of statutory notices under MWIS is directly converted from BCIS to BD's website, it is vital that the data maintained in BCIS is complete, accurate and timely.

4.24 During the course of audit, Audit examination found that:

- (a) of the total 657,670 statutory notices issued under MWIS and complied with as at 31 December 2024, for 54,708 (8%) statutory notices, there were no records in BCIS of the dates of receipt of the certificate of prescribed inspection of windows or the certificate of prescribed repair of windows;
- (b) according to BCIS records, BD received 22,089 (21,759 + 330) certificates of prescribed inspection of windows (see para. 4.7(b) and (c)) and 16,741 certificates of prescribed repair of windows (see para. 4.7(d)) from QPs under MWIS in 2024. Audit noted that while the dates of receipt of the certificate were recorded in BCIS for all the 38,830 (22,089 + 16,741) certificates, the completion dates of the prescribed inspection/repair were missing or inaccurately recorded in BCIS for 371 MWIS submissions as at 31 December 2024;
- (c) 4 target buildings were deleted from nomination lists for issuance of statutory notices under MWIS as they had data quality problem in BCIS (e.g. the same building having two different addresses and identification numbers in BCIS); and
- (d) for 76 of the 21,672 MWIS statutory notices with warning letters issued and remained non-compliant as at 31 December 2024, the warning letter dates were before the compliance due dates in BCIS due to data entry problem.

4.25 In Audit's view, BD needs to strengthen the record keeping for data relating to MWIS in BCIS with a view to ensuring that the records are accurate, complete and up-to-date.

Need to ensure that BD's audit check results on MWIS submissions are accurately recorded in BCIS

4.26 According to BD, audit check on MWIS submission is an important means to ensure that the inspection and repair of windows are carried out in accordance with the Buildings Ordinance. However, Audit noted that the results of BD's audit checks on 2 MWIS submissions were inaccurately recorded in BCIS (see para. 4.14(a)). In Audit's view, BD needs to take measures to ensure that its audit check results on MWIS submissions are accurately recorded in BCIS.

Need to enhance BCIS and compile management information to facilitate BD's work in implementing MWIS

4.27 According to BD, the implementation of MWIS involves a significant amount of work. Since the commencement of MWIS in June 2012 and up to December 2024, BD issued 723,219 statutory notices under MWIS (see Note 3 to para. 1.4). BD also needs to ensure that all the statutory notices are complied with and take follow-up actions where necessary. Audit noted the following scope for enhancing BCIS and compiling management information to facilitate BD's work in implementing MWIS:

- (a) as mentioned in paragraph 2.18, the performance of Consultants A and B (engaged for issuance of statutory notices for buildings selected in 2022) were unsatisfactory. According to BD, since 2024, enhancement of BCIS was made to facilitate the consultants' work such as drafting statutory notices in BCIS for BD's vetting, and generating notices direct from BCIS to eliminate data quality problem during data transfer. However, Audit noted that the performance of Consultant D (engaged for issuance of statutory notices for buildings selected in 2023 and 2024) was also unsatisfactory, namely in the submission of desk study reports, serving of notices, submission of notice posting records, and updating BCIS records (see para. 2.18(c)). There is scope for BD to explore the feasibility to further enhance BCIS to facilitate the related consultants' work;

- (b) while warning letters and FPNs were not timely issued for some non-compliant statutory notices (see para. 3.9(a) and (b)), BD had not regularly compiled management information on the long outstanding cases to monitor the timeliness of issuing warning letters and FPNs. Furthermore, BCIS could not automatically prompt BD subject officers for issuing warning letters and FPNs in a timely manner;
- (c) while 1,977 (10%) of 21,759 certificates of prescribed inspection of windows and 1,204 (8%) of 16,741 certificates of prescribed repair of windows submitted by QPs under MWIS to BD in 2024 did not meet the 14-day statutory requirement (see para. 4.7(b) and (d)), BD had not regularly compiled management information on the late MWIS submissions to enhance the monitoring of QPs (e.g. to identify QPs with repeated late submissions); and
- (d) BD had not regularly compiled management information on fallen window cases with complied MWIS statutory notices (e.g. the follow-up actions taken to investigate possible malpractice of QPs) (see para. 4.17(b) for Audit's findings on fallen window cases with complied MWIS statutory notices).

In Audit's view, BD needs to consider enhancing BCIS and compiling management information as mentioned above to facilitate its work in implementing MWIS.

Need to formulate a long-term strategy for MWIS

4.28 BD sets out in its Controlling Officer's Report (COR) a key performance measure of "buildings targeted for prescribed window inspection and, if necessary, prescribed window repair under MWIS" and reports the target and actual numbers for this performance measure every year. Audit noted that:

- (a) as reported in BD's CORs from 2012 (MWIS was fully implemented in June 2012) to 2024 (see Table 11):
 - (i) the annual target number of buildings to be selected for consideration of issuance of statutory notices from 2012 to 2014 was 5,800. However, there was a significant shortfall in the actual number of buildings selected ranging from 1,857 to 4,782 buildings (or 32% to 82%); and

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- (ii) the target number of buildings to be selected was significantly revised downward since 2015;

Table 11

**Selection of target buildings for consideration of issuance of statutory notices
under MWIS as reported in BD's CORs
(2012 to 2024)**

Year	Target number of buildings to be selected for consideration of issuance of statutory notices (Note 1)	Actual number of buildings selected for consideration of issuance of statutory notices (Notes 1 and 2)	
2012 (Note 3)	5,800 (Planned: 4,350 — Note 4)	2,823	12,861
2013	5,800	3,943	
2014	5,800 (Planned: 1,000 — Note 4)	1,018	
2015	650	663	
2016	500	500	
2017	400	464	
2018	400	435	
2019	400	486	
2020	600 (Note 5)	689	
2021	600	603	
2022	600	637	
2023	600	600	
2024	600	600	
Total	22,750	13,461	

Source: BD records

Note 1: According to BD, the numbers represented target buildings selected based on both Selection Mechanisms A and B.

Table 11 (Cont'd)

Note 2: According to BD, the actual total number of buildings selected from 2012 to 2023 and issued with statutory notices as at 31 December 2024 was 12,885 buildings, which was more than the total number of 12,861 buildings as reported in BD's CORs. This was mainly due to the fact that some buffer buildings (further selected as replacement of some target buildings after endorsement of nomination lists by the Selection Panel (see para. 2.11(b)(ii))) involved more clustered buildings (see para. 2.3(e)) than the replaced target buildings.

Note 3: MWIS was fully implemented on 30 June 2012.

Note 4: In its CORs, BD set out both the target and planned numbers of buildings to be selected for consideration of issuance of statutory notices under MWIS. Except for 2012 and 2014, both numbers were the same for other years (i.e. 2013 and from 2015 to 2024). According to CORs, the planned numbers were less than the target numbers due to the following reasons: (a) for 2012 (4,350 (planned) versus 5,800 (target)), full implementation of MWIS was expected to commence only in the second quarter of 2012; and (b) for 2014 (1,000 (planned) versus 5,800 (target)), major difficulties were encountered in implementing MWIS (see para. 4.28(c)(i) below).

Note 5: According to BD, the target was revised from 400 to 600 buildings from 2020 to step up implementation of MWIS.

(b) in May 2008, in providing information about the proposed MWIS, the Development Bureau informed the Panel on Development of the Legislative Council that:

(i) 5,800 private buildings would be selected each year to undergo window inspection under MWIS (which was subsequently fully implemented in June 2012); and

(ii) the first inspection cycle was expected to be completed within 5 years; and

(c) in November 2013, after a full-year implementation of MWIS, the Development Bureau informed the Panel on Development that BD:

(i) had encountered major difficulties in meeting the planned progress in issuing statutory notices under MWIS (e.g. an under-estimation of workload associated with the implementation of MWIS), and considered it necessary to adjust downwards the annual number of target buildings under MWIS; and

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- (ii) would formulate a revised target for MWIS taking into account operational experience gained.

4.29 Audit noted that, out of 27,168 private buildings (except domestic buildings not exceeding three storeys) aged 10 years or above (i.e. eligible buildings covered by MWIS) as at 31 December 2024, 14,676 (54%) buildings had not been selected for issuance of MWIS statutory notices (see Table 12). Based on BD's 2024 target of selecting 600 buildings each year, it will take about 24 years to cover these 14,676 buildings, let alone the buildings which will reach the building age of 10 years and subject to MWIS after 2024. For example, 220, 212 and 263 buildings will reach the building age of 10 years (except domestic buildings not exceeding three storeys) in 2025, 2026 and 2027 respectively and they will be subject to MWIS.

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Table 12

**Number of private buildings
(31 December 2024)**

Building age (Year)	Number of private buildings (Note 1) (a)	Number of buildings already selected and issued with MWIS statutory notices (b)	Number of buildings not yet selected for issuance of MWIS statutory notices (c) = (a) – (b)	
Below 10	2,143	–	2,143	(100%)
10 to below 20	2,176	37	2,139	(98%)
20 to below 30	4,679	1,388	3,291	(70%)
30 to below 40	5,519	2,743	2,776	(50%)
40 to below 50	5,194	2,390	2,804	(54%)
50 to below 60	5,067	2,695	2,372	(47%)
60 to below 70	3,563	2,654	909	(26%)
70 or above	970	585	385	(40%)
Total	29,311	12,492 (Note 2)	16,819	(57%)

14,676
(54%)

Source: BD records

Note 1: The figures do not include domestic buildings not exceeding three storeys, as they are not subject to MWIS.

Note 2: According to BD, the total number of buildings already selected and issued with MWIS statutory notices as shown above (i.e. 12,492 buildings) was less than the actual total number of buildings selected from 2012 to 2023 and issued with statutory notices as at 31 December 2024 (i.e. 12,885 buildings) because some of the buildings were demolished during the period and they no longer existed as at 31 December 2024.

4.30 MWIS aims to require owners to regularly inspect the windows in their buildings with a view to identifying problems at an early stage, and carry out timely remedial works to prevent them from falling into disrepair thus causing danger to the public (see para. 1.2). In this connection, Audit noted that:

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- (a) the Central Government had highlighted the need to accelerate the development of “new quality productive forces”;
- (b) as stated in the Chief Executive’s 2024 Policy Address, regarding system reforms:
 - (i) any serious shortcomings must be rectified;
 - (ii) any bottlenecks, weaknesses or hurdles must be overcome; and
 - (iii) any areas in need of consolidation must be reinforced and improved; and
- (c) BD had been developing “new quality productive forces”. For example, it had adopted innovative technologies, such as using drones to assist in inspection of dilapidated external walls of buildings to facilitate the implementation of MBIS.

In Audit’s view, with a view to achieving MWIS’s objective of enhancing public safety, having regard to all relevant factors (e.g. manpower required, operational experience gained and compliance by the owners) and difficulties encountered in implementing MWIS, BD needs to keep under review the target number of buildings to be selected for issuance of statutory notices under MWIS and formulate a long-term strategy for MWIS (e.g. further developing and leveraging on “new quality productive forces”, such as adoption of artificial intelligence, in implementing MWIS).

Scope for improvement in provision of online tools to assist public under MWIS

4.31 BD developed online tools to provide assistance to the public to comply with the requirements under MWIS. As at 31 December 2024, a mobile application (i.e. WIN SAFE) and a chatbot on BD’s website (i.e. Ah Build) were in use (see Table 13).

Table 13

**Online tools developed by BD
(31 December 2024)**

Online tool	Launch date	Development cost (\$)	Annual recurring cost in 2023-24 (\$)	Cumulative number of downloads	Cumulative usage
WIN SAFE (mobile application)	8 August 2022	2,618,000	444,981	13,043	3,933 users registered
Ah Build (chatbot)	25 November 2021	452,350	143,325	Not applicable	About 36,140 messages created

Source: BD records

4.32 **WIN SAFE.** The main purpose of the WIN SAFE mobile application is to enable owners to search for and appoint QPs for early compliance of MWIS statutory notices so as to ensure building safety. Its main functions include enabling owners to search for QPs according to individual needs, providing a chatroom for owners and QPs to discuss window inspection and/or repair services, and facilitating the public to make enquiries to BD in relation to MWIS statutory notices. According to BD:

- (a) various promotional and publicity work had been conducted by BD since the launch of WIN SAFE, including issuing letters to all QPs notifying them the launch of WIN SAFE, and promotion of WIN SAFE via its website, district briefings, road tours and Announcements in the Public Interest; and
- (b) since January 2024, WIN SAFE had a significant increase in the number of downloads, registered users, invitations and QP response rate. The increase was attributed to a number of enhancement work done by BD (e.g. launch of a new Announcement in the Public Interest promoting MWIS and WIN SAFE, release of a new version of WIN SAFE with more selection criteria and job reference data of QPs).

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4.33 Despite BD's efforts in promoting WIN SAFE, Audit noted that since the launch date of WIN SAFE (i.e. 8 August 2022) and up to December 2024:

- (a) there were a total of 3,933 registered users, of which, 3,298 were owners and 635 were QPs, representing only 3% of the total 18,941 QPs as at 31 December 2024; and
- (b) only 1,026 invitations by owners for quotations from QPs had been successfully awarded through WIN SAFE.

4.34 **Ah Build.** According to BD, the objectives of the chatbot on BD's website (i.e. Ah Build) are to provide round-the-clock service to answer general enquiries on MWIS and MBIS from the public in a natural dialog manner via an easy-to-use interface, and to guide and direct users to locate relevant materials at BD's website. However, Audit noted that, the average user satisfaction rating for the period from November 2021 (i.e. launch date of Ah Build) to November 2024 was only 3.16 on a 5-point scale, and while 43% of the users gave a rating of 5 (i.e. the most satisfactory rating), 37% of the users gave a rating of 1 (i.e. the least satisfactory rating).

4.35 In Audit's view, BD needs to:

- (a) step up promotional and publicity activities to encourage more users to download and use the WIN SAFE mobile application (e.g. proactively collect QPs' and owners' views on the user friendliness of WIN SAFE or the reasons of not using WIN SAFE); and
- (b) keep under review the user feedback received from the WIN SAFE mobile application and the chatbot on BD's website (i.e. Ah Build) with a view to enhancing the online tools to better meet user needs.

Audit recommendations

4.36 Audit has *recommended* that the Director of Buildings should:

- (a) **strengthen the record keeping for data relating to MWIS in BCIS with a view to ensuring that the records are accurate, complete and up-to-date;**

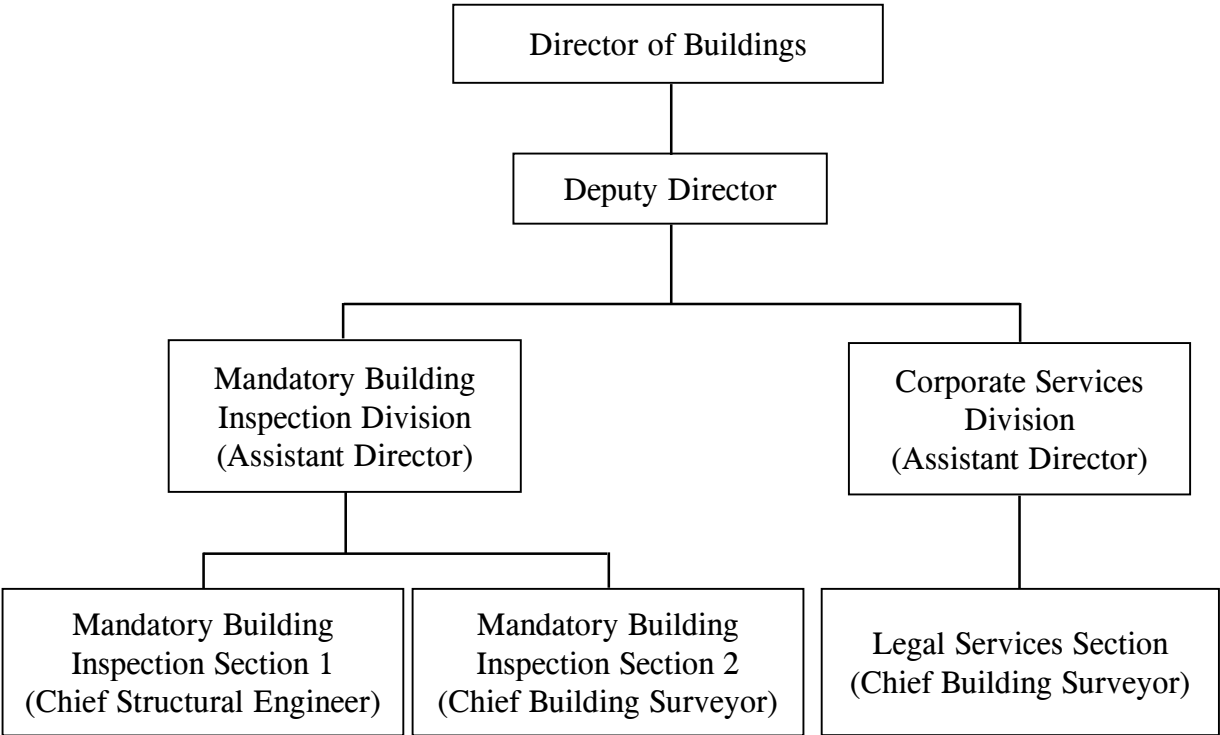
- (b) **take measures to ensure that BD’s audit check results on MWIS submissions are accurately recorded in BCIS;**
- (c) **consider enhancing BCIS and compiling management information as mentioned in paragraph 4.27 to facilitate BD’s work in implementing MWIS;**
- (d) **keep under review the target number of buildings to be selected for issuance of statutory notices under MWIS and formulate a long-term strategy for MWIS (e.g. further developing and leveraging on “new quality productive forces”, such as adoption of artificial intelligence, in implementing MWIS);**
- (e) **step up promotional and publicity activities to encourage more users to download and use the WIN SAFE mobile application; and**
- (f) **keep under review the user feedback received from the WIN SAFE mobile application and the chatbot on BD’s website (i.e. Ah Build) with a view to enhancing the online tools to better meet user needs.**

Response from the Government

4.37 The Director of Buildings agrees with the audit recommendations. She has said that BD will continue to:

- (a) review BCIS with a view to enhancing work efficiency and information management;
- (b) keep under review the annual target number of buildings to be selected under MWIS;
- (c) launch different promotional and publicity activities for the WIN SAFE mobile application; and
- (d) keep regular review on users’ feedback received from the WIN SAFE mobile application and the chatbot on BD’s website (i.e. Ah Build).

**Buildings Department:
Organisation chart (extract)
(31 December 2024)**



Source: BD records

Acronyms and abbreviations

Audit	Audit Commission
BCIS	Building Condition Information System
BD	Buildings Department
COR	Controlling Officer's Report
FPN	Fixed penalty notice
FPT	Fast Track Prosecution Teams
MBI	Mandatory Building Inspection
MBIS	Mandatory Building Inspection Scheme
MWIS	Mandatory Window Inspection Scheme
QP	Qualified Person
RC	Registered Contractor
VBAS	Voluntary Building Assessment Scheme