

MANAGEMENT OF MANDATORY WINDOW INSPECTION SCHEME BY THE BUILDINGS DEPARTMENT

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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.