

Property owner fined over \$150,000 for not complying with mandatory window inspection statutory notice

An owner was fined over \$150,000 at the Kwun Tong Magistrates' Courts this month for failing to comply with a statutory notice issued in respect of his domestic unit under the Mandatory Window Inspection Scheme (MWIS), according to the Buildings Ordinance (BO) (Cap. 123). The penalty is the highest amount imposed so far with respect to similar cases.

The subject unit is located at a 32-year-old 31-storey residential building on Po Lam Road North, Tseung Kwan O. A statutory notice was issued under section 30C(4) of the BO by the Buildings Department (BD), requiring the owner of the unit to appoint a qualified person to carry out an inspection and, if necessary, repairs of the windows in his unit.

Since the owner failed to comply with the statutory notice, he was prosecuted by the BD. The owner pleaded guilty to the charge on February 16 this year and was heavily fined \$151,500 by the court on June 8 when he still failed to comply with the notice. The fine included the daily fine for non-compliance with the notice for about 300 days.

"Failing to comply with a statutory notice without reasonable excuse is a serious offence under the BO. The BD may instigate prosecution proceedings against the owner", a spokesman for the BD said today (June 24).

Pursuant to section 40(1BD) of the BO, any person who, without reasonable excuse, fails to comply with a statutory notice served on him or her commits an offence and is liable on conviction to a fine at level 4 (\$25,000 at present) and to imprisonment for three months, as well as a further fine of \$2,000 for each day that the offence has continued.

The cost information for window inspection and common window repair items under the MWIS is available at www.bd.gov.hk/doc/en/safety-and-inspection/mwis/property-owners-and-owners-corporation/MBISMWIS_CostReference.pdf. The Layman's Guide on MWIS can also be downloaded from the BD's website (www.bd.gov.hk/doc/en/resources/pamphlets-and-videos/LGMWIS_e.pdf).