

Property owner fined over \$5,000 for not complying with mandatory window inspection statutory notice

An owner was fined about \$5,500 at the Eastern Magistrates' Courts this month for failing to comply with a statutory notice issued in respect of his unit under the Mandatory Window Inspection Scheme (MWIS) according to the Buildings Ordinance (BO) (Cap. 123).

The unit is located in a 44-year-old 10-storey commercial building at D'Aguilar Street and Lan Kwai Fong, Central. 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, repair of the windows in his unit.

Since the owner failed to comply with the statutory notice, he was prosecuted by the BD and was convicted and fined on November 18.

"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 according to the BO," a spokesman for the BD said today (November 28).

Pursuant to section 40(1BD) of the BO, any person who, without reasonable excuse, fails to comply with a statutory notice served on the person, 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).