

Buildings Department responds to conviction of contractor for construction works under Shatin to Central Link Project for material deviation from works shown in approved plans

In response to the comments on the conviction of the contractor for construction works under the Shatin to Central Link Project yesterday (June 27) for material deviation from the approved plans, a spokesman for the Buildings Department (BD) today (June 28) made the following statement.

Upon completion of investigations into the irregularities in the construction works at the Hung Hom Stabling Sidings under the Shatin to Central Link Project, and based on the findings of the investigations and after consulting the Department of Justice (DoJ), the BD instigated prosecution action against the concerned registered contractor (Leighton Contractors (Asia) Limited) for an offence under section 40(2A)(a)(ii) of the Buildings Ordinance (BO) (Cap. 123) in May 2020. In the course of the prosecution, the DoJ, having reviewed the circumstances of the case and relevant evidence, and in order to maximise the chance of successful conviction, amended the charge to an offence under section 40(2A)(b) of the BO in June 2023. The details and the factual basis of the case remained unchanged. The two offences are of similar gravity and carry the same maximum penalties (a maximum fine of \$1,000,000 and three years' imprisonment). There is no question of the amended charge being less serious than the original charge.

The BD and the DoJ are studying the verdict to consider whether an appeal should be lodged.

As mentioned in yesterday's press release, the BD will refer the case to the Contractors' Disciplinary Board for instigating disciplinary proceedings under the BO.