

Former registered minor works contractor and its Authorized Signatory fined \$58,000 in total for contravention of Buildings Ordinance

A former registered minor works contractor (RMWC) and its Authorized Signatory (AS) were convicted and fined \$58,000 in total at the Kowloon City Magistrates' Courts last week in two cases for knowingly carrying out underground drainage and excavation works without prior approval and consent from the Buildings Department (BD), and the AS was convicted for failing to notify the BD about the appointment of a prescribed registered contractor (PRC) to carry out drainage alteration works, a class II minor work, in accordance with the simplified requirements under the Minor Works Control System, contravening the Buildings Ordinance (BO) (Cap. 123).

The first case involved the carrying out of underground drainage and excavation works at the rear lane of Shek Tong Street, To Kwa Wan. The RMWC submitted a Notice of Commencement to the BD in June 2022, notifying the commencement of Class II minor works at the said rear lane. Subsequently, the BD conducted an audit check and obtained information from CCTV footage, which showed that the AS was carrying out underground drainage and excavation works near the retaining wall at the rear lane. Investigation found that the works concerned did not belong to any minor works item, exempted works or designated exempted works under the BO. As the RMWC and its AS knowingly carried out the two building works without prior approval and consent from the BD, contravening section 14(1) of the BO, the BD instigated prosecution action against the RMWC and its AS under section 40(1AA) of the BO. They were both convicted at the Kowloon City Magistrates' Courts on August 1 and were fined \$52,000 in total.

The second case involved the same AS carrying out drainage alteration works near the site of the first case, i.e. in the rear lane of a composite building on Chatham Road North, To Kwa Wan. The BD received a report in June 2022 and carried out an investigation. From CCTV footage, it was revealed that the AS was carrying out drainage alteration works on the external wall of the said rear lane. Investigation found that the drainage alteration works were Class II minor works and the BD had not received any notice of commencement and prescribed documents seven days before the commencement of the works. As the AS knowingly failed to appoint a PRC to carry out the Class II minor works, contravening section 9AA(2) of the BO, the BD instigated prosecution action against the AS under section 40(1AB) of the BO. On August 1, the AS was convicted and fined \$6,000 at the Kowloon City Magistrates' Courts.

A spokesman for the BD said today (August 9), "Unless for minor works or exempted works under the BO, any person who knowingly carries out any

building works without prior approval and consent from the BD commits a serious offence. If such a contravention is found, the BD will instigate prosecution action. Moreover, the BD may instigate prosecution action against any person who knowingly fails to appoint a PRC to carry out minor works required by the regulations."

Pursuant to section 40(1AA) of the BO, any person who knowingly contravenes section 14(1) (i.e. commences or carries out any building works without having first obtained approval and consent from the BD) shall be guilty of an offence and liable upon conviction to a fine of \$400,000 and to imprisonment for two years, and a further fine of \$20,000 for each day that the offence continues.

Pursuant to section 40(1AB) of the BO, any person who contravenes section 9AA(2) of the BO (i.e. knowingly fails to appoint a PRC to carry out minor works required by the regulations) shall be guilty of an offence and liable upon conviction to a fine of \$100,000.

In addition, after considering the recommendations of the Minor Works Contractors Registration Committee, the BD refused the RMWC's application for the renewal of its registration in June 2023, in accordance with Regulation 15 of the Building (Minor Works) Regulations.