

Qualified person disciplined for committing offence relating to prescribed inspection and repair of windows

The Registered Contractors' Disciplinary Board has completed a disciplinary inquiry under the Buildings Ordinance (BO) and decided that a Registered Minor Works Contractor (RMWC) appointed as a qualified person (QP) under the Mandatory Window Inspection Scheme (MWIS) and its Authorised Signatory (AS) (also being the RMWC's director) should be disciplined for having been convicted by the court of offences relating to prescribed inspection and repair of windows. This was the first disciplinary inquiry against a QP under the MWIS.

The Board ordered the RMWC and its AS to be fined \$6,000 respectively, and they are to pay about \$58,000, being the costs of the Board and the Buildings Department (BD) for conducting the inquiry. The Board's decision and order made on January 23, 2020, was published in the Gazette today (April 3). Details are available at the following link:
www.gld.gov.hk/egazette/pdf/20202414/egn202024141576.pdf.

The RMWC and its AS submitted a certificate to the BD in January 2015, certifying that the windows of the premises were safe and that no prescribed repair was required.

Subsequently, the BD conducted an investigation in response to a report about substandard window repair at the premises concerned. In the investigation, it was revealed that certain window repair works had in fact been carried out.

The RMWC and its AS were later prosecuted, convicted and fined \$6,000 respectively at the Eastern Magistrates' Courts on February 25, 2016, pursuant to sections 40(2A)(c) and 40(5) of the BO for knowingly misrepresenting a material fact in certifying that the windows of the premises were safe and that no prescribed repair was required. In view of the convictions, the BD notified the disciplinary board for its consideration and action against the RMWC and its AS under the provisions of sections 13(1) and 13(3) of the BO.

A spokesperson for the BD reiterated that in order to ensure building safety, the BD attaches great importance to the quality of the prescribed inspection and repair of windows by a QP. Any QP who contravenes the relevant provisions of the BO in carrying out the prescribed inspection and repair of windows under the MWIS is not only liable to criminal prosecution but also disciplinary action under the Ordinance.