

Qualified person prohibited by disciplinary board from certifying prescribed inspection and repair of windows for eight months

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) should be disciplined for having been convicted by the court of offences relating to a prescribed inspection and repair of windows.

The Board's decision and order made on August 25 was published in the Gazette today (September 18). Details are available at the following link: www.gld.gov.hk/egazette/pdf/20202438/egn202024385232.pdf.

The Board ordered the RMWC to be prohibited from certifying any prescribed inspection, or certifying or supervising any prescribed repair in respect of a window in a building for eight months, with effect from the date of the Gazette. The contractor shall pay about \$39,000, being the costs of the Board and the Buildings Department (BD) for conducting the inquiry.

The RMWC submitted a certificate to the BD in June 2016, certifying that the prescribed inspection to the windows of a residential unit in Tsing Yi had been completed and that no prescribed repair was required.

Subsequently, an investigation conducted by the BD in response to a report about the inspection of windows of the premises revealed that the RMWC had knowingly misrepresented a material fact in the certificate submitted to the BD. He had also failed to provide proper supervision for the repair works.

The RMWC was later fined \$30,000 upon conviction at the West Kowloon Magistrates' Courts in January 2018.

In view of the convictions, the BD notified the Board for consideration of disciplinary action against the RMWC under the provision of section 13(1) 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 BO.