

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

The Registered Contractors' Disciplinary Board (the 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 Authorized Signatory (AS) (also being the RMWC's director) should be disciplined for failing to discharge the duties or abide by the requirements imposed on a QP under the BO.

The Board ordered the RMWC and its AS to be prohibited from certifying any prescribed inspection, or certifying or supervising any prescribed repair of a window, for four months with effect from the date of the Gazette and they are to pay \$47,000 in total, being the costs of the Board and the Buildings Department (BD) for conducting the inquiry.

The Board's written decision and order issued on December 28, 2023 was published in the Gazette today (January 12). Details are available at the following link: www.gld.gov.hk/egazette/pdf/20242802/egn20242802170.pdf.

The RMWC and its AS submitted a certificate to the BD in April 2014, certifying that a prescribed inspection and a prescribed repair had been carried out to the windows of a residential unit in Tai Kok Tsui, and that those windows had been rendered safe. Subsequently, the BD conducted an investigation and found that the RMWC had failed to carry out the prescribed inspection personally for all windows and to complete the prescribed repair at the premises.

The RMWC was later prosecuted, convicted and fined \$20,000 at the Kowloon City Magistrates' Courts in November 2017, pursuant to sections 40(2A)(c) and 40(2AE) of the BO for knowingly misrepresenting a material fact in the certificate submitted to the BD and failing to provide proper supervision of the carrying out of the prescribed repair.

The AS of the RMWC was also prosecuted, convicted and fined \$30,000 at the Kowloon City Magistrates' Courts in November 2017, pursuant to sections 40(2A)(c), 40(2AD), 40(2AE) and 40(6) of the BO for knowingly misrepresenting a material fact in the certificate submitted to the BD, failing to carry out the prescribed inspection personally and to provide proper supervision of the carrying out of the prescribed repair.

In view of the convictions, the BD notified the Board for its consideration of disciplinary 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 under the MWIS. 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 to disciplinary action under the BO.