

Registered General Building Contractor and its Authorised Signatory disciplined for misconduct in building works

The Registered Contractors' Disciplinary Board has completed a disciplinary inquiry and decided that a Registered General Building Contractor (RGBC) and its Authorised Signatory (AS) should be disciplined for misconduct in building works under section 13(2)(b) of the Buildings Ordinance.

The Board ordered the RGBC and its AS each to be fined and to pay the costs of inquiry of the Board and the Buildings Department in the sums of \$123,625 and \$116,625 respectively. The Board's decision was published in the Gazette today (November 2). Details are available at the following link: www.gld.gov.hk/egazette/pdf/20182244/egn201822448332.pdf.

The two respondents misconducted themselves in relation to the building works carried out to an earth-retaining wall of about 2.5 metres high and 7.8m long in Sai Kung between July and August 2009, which were required to be carried out by a Registered Specialist Contractor (Site Formation Works), whereas the RGBC concerned was not registered for such specialist works. Moreover, the building works were inconsistent with the plans approved by the Buildings Department and were done without the department's prior consent.

After conducting the disciplinary hearings, the Board made the above decision and order on April 17, 2018, in accordance with section 13 of the Ordinance.

The two Authorised Persons and one Registered Structural Engineer involved in the subject case were found guilty and disciplined by the Authorized Persons', Registered Structural Engineers' and Registered Geotechnical Engineers' Disciplinary Board in 2015 for misconducting themselves in a professional way in relation to the said building works under section 7(1A)(b) of the Ordinance. The relevant Gazette Notice is available at the following link: www.gld.gov.hk/egazette/pdf/20151942/egn201519427832.pdf.

A spokesperson for the Buildings Department emphasised that persons registered under the Ordinance and/or appointed to act on the registered contractors' behalf for the purposes of the Ordinance may be disciplined if they are negligent or misconduct themselves. They may be liable to criminal prosecution if they commit other offences under the Ordinance.