

Registered general building contractor prohibited by disciplinary board from certifying or carrying out minor works 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 general building contractor (RGBC) and its Authorized Signatory (AS) should be disciplined under section 13(2)(b) and 13(2)(f) of the BO for having been negligent or misconducted themselves in building works and had certified minor works that had been carried out in contravention of the BO.

The Board's written decision and order issued on July 26, 2023, was published in the Gazette today (August 11). Details are available at the following link: www.gld.gov.hk/egazette/pdf/20232732/egn202327324730.pdf.

The Board ordered the RGBC to be prohibited from certifying or carrying out any minor works commenced under the simplified requirements of the Minor Works Control System for four months with effect from the date of the Gazette and be fined \$50,000, and the AS be reprimanded and be fined \$5,000. Also, the RGBC and its AS are to pay \$84,000 in total, being the costs of the Board and the Buildings Department (BD) for conducting the inquiry.

The case involved minor works carried out by the RGBC at two buildings on Park Road and Bonham Road respectively. For the minor works carried out at Park Road, the RGBC submitted a specified form to the BD in November 2012 certifying the completion of a Class III minor works item. Subsequently, the BD conducted an audit inspection and revealed that the works involved Class I minor works. The RGBC had failed to arrange submission to the BD the commencement notice and completion certificate required for Class I minor works, contravening the relevant provisions of the Building (Minor Works) Regulation (Regulation). In addition, the RGBC had certified and carried out minor works in contravention of the BO and had failed to identify the nature and the class of minor works and caused potential safety risk to the public, which constituted a misconduct in carrying out the building works.

The minor works at Bonham Road involved the erection or alteration of wall signboards. The RGBC and its AS submitted the specified forms to the BD in June 2014 notifying the commencement and certifying the completion of the minor works. Subsequently, the BD conducted an audit inspection and revealed that the position and dimension of some of the signboards contravened the relevant provisions of the BO. In addition, the relevant specified form was not submitted to the BD at least seven days before the commencement of the minor works, and the submitted plan was drawn to a ratio of less than 1:100 and did not indicate the dimensions and other relevant details of some signboards, contravening the relevant provisions of the Regulation. All of the above showed that the RGBC and its AS had certified minor works that had

been carried out in contravention of the B0, and that the RGBC and its AS had been negligent or had misconducted themselves in building works.

A spokesperson for the BD reiterated that any registered contractor who contravened the relevant provisions of the B0 in carrying out minor works would be subject to enforcement action including criminal prosecution and disciplinary action under the B0.