

Registered minor works contractor disciplined for carrying out unauthorised building works and violating requirements of Minor Works Control System

The Registered Contractors' Disciplinary Board has completed a disciplinary inquiry and decided that a registered minor works contractor shall be disciplined for carrying out building works without obtaining prior approval and consent from the Buildings Department (BD) according to section 14(1) of the Buildings Ordinance (the Ordinance); and for carrying out and certifying such works as if it were minor works commenced under the simplified requirements of the Minor Works Control System (MWCS).

The Board ordered the Contractor to be fined \$15,000 and to pay \$93,300 being the costs of the BD and the Board for conducting the inquiry. The Board's decision and order made on April 24, 2019 was published in the Gazette today (October 4). Details are available at the following link: www.gld.gov.hk/egazette/pdf/20192340/egn201923406162.pdf

The Contractor carried out the removal of a large marquee structure (approximately 30 meters in length, 15 meters in width, and 5 meters in height) in Kowloon Bay between June and July 2012 without seeking prior approval and consent from the BD. Moreover, the Contractor then certified completion of the works as if it were minor works under the MWCS. The marquee structure was large and its removal could not be carried out under the MWCS. Instead, prior approval and consent from the BD is required before commencement of works. Since the Contractor carried out the removal works without obtaining prior approval and consent from the BD, contravening section 14(1) of the Ordinance, it was convicted by the court on June 26, 2013 pursuant to section 40(1AA) of the Ordinance.

A spokesperson for the BD reiterated that contractors registered under the Ordinance could be liable to criminal prosecution if they committed any offence under the Ordinance. They could also be disciplined under section 13 of the Ordinance if they had been convicted by any court; or had carried out and certified building works which are not classified as minor works as if it were minor works commenced under the simplified requirements.