

# Registered minor works contractor fined for contravening minor works law

A registered class III minor works contractor (minor works contractor) was fined a total of \$15,000 at the Eastern Magistrates' Courts last month for contravention of the Buildings Ordinance (Cap. 123) (BO) when carrying out minor works.

The minor works contractor concerned submitted a certificate to the Buildings Department (BD) in August 2018 certifying that the erection of two wall signboards at a commercial building at Connaught Road West, Hong Kong commenced in July and was completed in August 2018. An audit inspection conducted by the BD revealed that the concerned minor works had already been completed in April 2018 and the minor works involved should belong to Class II minor works.

As the minor works contractor had knowingly misrepresented the dates of commencement and completion of the works in the certificate and had carried out minor works belonging to a class for which he was not registered, contravening the BO, the BD instigated prosecution against the contractor. The minor works contractor was convicted and fined a total of \$15,000 on December 17, 2020.

A spokesperson for the BD today (January 3) reiterated that a misrepresentation to the BD is a serious offence. Arising from public reports or when carrying out audit checks on minor works submissions, the BD will conduct an investigation and take appropriate action against irregularities committed by the relevant persons, including instigating prosecution and/or disciplinary action.

The spokesman said, "The Minor Works Control System aims to enable owners of private premises to carry out small-scale building works safely under the simplified requirements. However, registered minor works contractors should not carry out any minor works for which they are not registered. If they are requested by their clients to carry out minor works beyond the class, type or item they have registered, they should explain the situation to their clients and do not carry out such minor works."

The BD will continue to conduct audit checks of minor works in order to ensure works quality and building safety, he added.

Pursuant to section 40(2A)(c) of the BO, a registered minor works contractor who knowingly misrepresents a material fact in any plan, certificate, form, report, notice or other document given to the Building Authority commits an offence and is liable on conviction to a fine of \$500,000 and to imprisonment for 18 months.

Pursuant to section 40(2E) of the BO, it is an offence for any

registered minor works contractor to carry out minor works belonging to a class, type or item for which he is not registered. The maximum penalty upon conviction is six months' imprisonment and a fine of \$100,000, as well as a further fine of \$5,000 for each day that the offence continues.