

Two qualified persons and their authorized signatories prohibited by disciplinary board from certifying prescribed inspection and repair of windows for six months

The Registered Contractors' Disciplinary Board has completed two disciplinary inquiries under the Buildings Ordinance (BO) and decided that two registered minor works contractors (RMWC) appointed as qualified persons (QP) under the Mandatory Window Inspection Scheme (MWIS) and their authorized signatories (AS) should be disciplined for failing to discharge the duties or abide by the requirements imposed on a QP under the BO.

The Board's written decisions and orders issued on September 20 were published in the Gazette today (October 4). Details are available at the following links:

For the first case: www.gld.gov.hk/egazette/pdf/20242840/egn202428405883.pdf

For the second case: www.gld.gov.hk/egazette/pdf/20242840/egn202428405882.pdf

In the first case concerning a domestic flat in Wong Tai Sin, the RMWC submitted a certificate to the Buildings Department (BD) in July 2019, certifying that the prescribed inspection had been carried out to the windows of the flat and that those windows were safe and no prescribed repair was required. Subsequently, the BD conducted an audit inspection and identified signs of deterioration and defective window components in some of the windows.

The RMWC and its AS were later prosecuted, convicted and fined \$8,400 in total at the Kowloon City Magistrates' Courts in September 2020, pursuant to sections 40(2A)(c) and 40(2B)(b) of the BO, for knowingly misrepresenting a material fact in the certificate submitted to the BD and carrying out a prescribed inspection in a manner likely to cause a risk of personal injury or property damage.

In the second case concerning a domestic flat in Yau Ma Tei, another RMWC was appointed as a QP. A window of the flat fell to the street and damaged a light goods vehicle parked on the street during the prescribed inspection of the window in November 2020. Subsequently, the BD carried out an investigation into the fallen window from the flat and found that the AS of the RMWC who carried out the prescribed inspection himself had contravened the relevant Code of Practice in failing to take care during window inspection to prevent the window from falling.

The RMWC and its AS were later prosecuted, convicted and fined \$30,000 in total at the Kwun Tong Magistrates' Courts in December 2021, pursuant to sections 40(2B)(a) of the BO, for carrying out a prescribed inspection in a

manner that it caused damage to any property.

In view of the convictions and investigation results, the BD notified the Board of its consideration of disciplinary action against the two RMWC and its AS under the provisions of section 13(1) of the B0.

In the first case, the Board ordered the RMWC to be prohibited from certifying any prescribed inspection, or certifying or supervising any prescribed repair of windows, for six months with effect from the date of the Gazette, and to pay a total of \$40,400, being the costs of the Board and the BD for conducting the inquiry.

In the second case, the Board ordered the RMWC and its AS to be prohibited from certifying any prescribed inspection, or certifying or supervising any prescribed repair of windows, for six months with effect from the date of the Gazette, and to pay a total of \$41,000, being the costs of the Board and the BD for conducting the inquiry.

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 B0 in carrying out a prescribed inspection and repair of windows under the MWIS is not only liable to criminal prosecution but also disciplinary action under the B0.

The BD will continue to conduct audit inspections to ensure the quality of prescribed inspections and repairs under the MWIS, he added.