

Two Qualified Persons fined over \$50,000 in total for contravening mandatory window inspection law

Two qualified persons (QPs) were fined \$53,000 in total last month for contravention of the Buildings Ordinance (BO) when performing mandatory window inspections for two residential units earlier.

The two flats concerned were located at Man Cheong Street, Yau Mai Tei, and Lung To Street, To Kwa Wan. The Buildings Department (BD) issued statutory notices under section 30C(4) of the BO to the owners of the two premises requiring the appointment of a QP to carry out window inspection at the premises and supervise the required repair.

In the case of Man Cheong Street, a window of the premises fell to the street and damaged a light goods vehicle parked on the street during the prescribed inspection. As the QP had contravened the code of practice in failing to take care during window inspection to prevent windows from falling off, the BD instigated prosecution action against the QP and its Authorized Signatory under section 40(2B)(a) of the BO. They pleaded guilty at Kwun Tong Magistrates' Courts on December 14, 2021, and were fined a total of \$30,000.

In the other case, the QP submitted a certificate to the BD certifying that the prescribed inspection had been carried out for the windows of the subject premises and that those windows were safe and no prescribed repair was required. Subsequently, the BD carried out an investigation in response to a report from the owner and found that the QP had knowingly misrepresented a material fact on the certificate submitted to the BD. In the submitted certificate, the QP certified that no prescribed repair was required, but in fact the QP had carried out prescribed inspection and necessary repair for the windows of the subject premises. Furthermore, the QP did not carry out the prescribed inspection personally and supervise the repair works in accordance with sections 30E(4)(a) and 30E(5)(a) of the BO. It was also found that the QP had authorised or permitted the prescribed inspection and repair which were carried out in a manner that was likely to cause a risk of injury to a person or damage to property.

The QP was hence prosecuted by the BD under sections 40(2A)(c), 40(2AD), 40(2AE) and 40(2B)(b) of the BO. He pleaded guilty at Kowloon City Magistrates' Courts on December 15, 2021, and was fined a total of \$23,000.

A spokesperson for the BD reiterated today (January 5) 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. Any QP who contravenes the relevant provisions of the BO in carrying out the prescribed inspection and repair of windows under the Mandatory Window Inspection Scheme (MWIS) is subject to enforcement action under the BO.

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