

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

The Registered Contractors' Disciplinary Board has completed 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 the Authorized Signatory (AS) for one of the RMWC 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 June 9 were published in the Gazette today (June 23). Details are available at the following links:
i) www.gld.gov.hk/egazette/pdf/20232725/egn202327253671.pdf;
ii) www.gld.gov.hk/egazette/pdf/20232725/egn202327253672.pdf

In the first case, the RMWC submitted a certificate to the Buildings Department (BD) in March 2017, certifying that the prescribed inspection had been carried out of the windows of a residential unit in Sheung Shui and that those windows were safe and no prescribed repair was required. Subsequently, the BD conducted an audit inspection and found that the rivets and screws of some windows were corroded and some glass panes were cracked or broken.

The RMWC's AS was later prosecuted and convicted and fined \$6,000 at the Fanling Magistrates' Courts in July 2018, pursuant to section 40(2A)(c) of the BO, for knowingly misrepresenting a material fact in the certificate submitted to the BD.

In the second case, the RMWC submitted a certificate to the BD in July 2018, certifying that the prescribed inspection and prescribed repair had been carried out of the windows in a unit in Tsuen Wan and those windows had been rendered safe. Subsequently, the BD conducted an audit check and found that the RMWC had failed to carry out the prescribed inspection for all the windows in the premises.

The RMWC was later prosecuted and convicted and fined \$4,000 at the West Kowloon Magistrates' Courts in August 2019, pursuant to section 40(2A)(c) of the BO, for knowingly misrepresenting a material fact in the certificate submitted to the BD.

In view of the convictions, the BD notified the Board for its consideration of disciplinary action against the two RMWC and the AS under the provisions of sections 13(1) and 13(3) of the BO.

In the first 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 a window for seven months, with effect from the date of the Gazette, and to pay a total of about \$40,000 being the costs of the Board and the BD for conducting the inquiries.

In the second case, the Board ordered the RMWC to be prohibited from certifying any prescribed inspection, or certifying or supervising any prescribed repair of a window for six months, with effect from the date of the Gazette, and to pay a total of about \$45,000 being the costs of the Board and the BD for conducting the inquiries.

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

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