

Two qualified persons prohibited by disciplinary board from certifying prescribed inspection and repair of windows for six months and 14 months

The Registered Contractors' Disciplinary Board (the 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 March 15 were published in the Gazette today (March 28). Details are available at the following links:

1. www.gld.gov.hk/egazette/pdf/20242813/egn202428131691.pdf; and
2. www.gld.gov.hk/egazette/pdf/20242813/egn202428131690.pdf.

In the first case, the RMWC submitted a certificate to the Buildings Department (BD) in June 2019, certifying that a prescribed inspection had been carried out to the windows of the common area of a composite building in Tsuen Wan and that those windows were safe and no prescribed repair was required. Subsequently, the BD conducted an audit inspection and found that the glazing beads of some windows were missing and the glass pane of a window was cracked. Further investigation also revealed the RMWC did not examine all components of the windows in the prescribed inspection.

The RMWC was later prosecuted, convicted and fined \$3,000 at the West Kowloon Magistrates' Courts in October 2020, pursuant to sections 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 and its AS submitted a certificate to the BD in February 2019, certifying that a prescribed inspection had been carried out to the windows of two residential units in Shum Shui Po and that those windows were safe and no prescribed repair was required. Subsequently, the BD carried out an investigation in response to an emergency report of a fallen window from one of the concerned units and found that rivets of some windows of both units were broken, missing or corroded. Some windows of one of the units were obstructed and the AS did not examine the components of all windows. Moreover, he had carried out repairs to windows of both units but certified that the windows were safe and no prescribed repair was required.

The RMWC was later prosecuted and convicted and fined \$18,000 in total at the West Kowloon Magistrates' Courts on March 3, 2021, pursuant to

sections 40(2A)(c) and 40(2B)(b) of the B0 for knowingly misrepresenting a material fact in the certificate submitted to the BD; and carrying out a prescribed inspection in such a manner as was likely to cause a risk of injury to any person or damage to any property.

In view of the convictions, the BD notified the Board for its consideration of disciplinary action against the two RMWCs 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 about \$49,000, 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 14 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 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 the 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.