

香港特別行政區政府

The Government of the Hong Kong Special Administration Region

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4 June 2010

Mr WONG Siu-ye
Clerk to Bills Committee
Legislative Council Building
8 Jackson Road, Central

Dear Mr WONG,

**Buildings (Amendment) Bill 2010
Enforcement against Registered Professionals and Contractors**

Further to our reply of 14 April 2010 (Paper no. CB(1)1624/09-10(01)), in response to Members' discussion at the meeting of the Bills Committee on the Buildings (Amendment) Bill 2010 on 27 May 2010, I am pleased to provide examples of cases of the prosecution and disciplinary proceedings against registered professionals and contractors under the Buildings Ordinance (Cap. 123) (BO).

As mentioned in our reply of 14 April 2010, since 1990, there have been 110 prosecutions, 61 convictions and 18 disciplinary proceedings against authorized persons (APs), registered structural engineers (RSEs), registered geotechnical engineers and registered contractors (RCs). These cases involve contraventions of various provisions under the BO and the regulations thereunder.

As an example of a serious case, an RC was convicted of an offence under section 40(2A)(b) of the BO for deviation in a material way from approved plans in that the length of the as-built piles were found shorter than

that specified in the approved plans. The RC was fined \$250,000, which was the maximum fine at the time of commitment of the offence, and the highest fine ordered since 1990.

In another case, an RC was convicted of an offence under section 40(2B) of the BO for carrying out demolition works in such a manner that caused injury to persons and damage to the adjacent building, and in another incident under Regulations 3(2), 10 and 13(2) and (4) of the Building (Demolition Works) Regulations (Cap. 123 sub. Leg. C) for failure to erect fan and catch platforms along the external wall of the building being demolished and overloading the hoarding of the building being demolished with debris. Disciplinary proceedings were conducted against the RC for the convictions, and the RC was removed from the register for a period of three months and fined \$5,000.

There were also cases involving registered professionals having been negligent in a professional manner in falsely certifying that the food business premises were free of unauthorised building works in licence applications. Two APs and one RSE were reprimanded because of this. Other examples include failure to notify the Building Authority (BA) of contraventions of the regulations that would result from the carrying out of works shown in the approved plans; contravention of the conditions imposed by the BA under section 17(1) of the BO on approval of plans; contravention of section 14(1) of the BO for carrying out building works without approval of plans from the BA, etc.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Harry Lin', written in a cursive style.

(Harry LIN)

for Secretary for Development

c.c. DD/BD
LD/DoJ