
9 Sanctions of “Prescribed Registered Contractors”

9.1 Offences on Contravention of the “Simplified Requirements”

Under section 58 of the B(MW)R, any person [including the “prescribed registered contractor” (“PRC”)] who without reasonable excuses contravenes the “simplified requirements” is liable on conviction to a fine at level 5 (\$50,000 at present).

9.2 Offences on Failure to Notify the BA of any Contravention

If the PRC fails to notify the Building Authority (“BA”) of any contravention resulting from the works, he will be liable on conviction to a fine at level 5 (\$50,000 at present) under section 40(2AAAA) of the Buildings Ordinance (“BO or the Ordinance”).

9.3 Offences on Undertaking any Unregistered Class, Type or Item of “Minor Works”

Under section 40(2E) of the BO, if a RMWC or RSC certifies or carries out “minor works” not belonging to the class, type or item for which he is registered, he will be liable on conviction to a fine at level 6 (\$100,000 at present) and to imprisonment for 6 months; and a fine of \$5,000 for each day during which it is proved to the satisfaction of the court that the offence has continued.

9.4 Offences on Causing Injury to Person or Damage to Property

The PRC shall commit an offence under section 40(2B) of the BO if there is or likely to have injury or damage caused by his works. The maximum penalty for such “minor works”, on conviction, is a fine of \$500,000 and imprisonment of 18 months.

9.5 Offences on Employment of Illegal Immigrants

Under section 171 of the Immigration Ordinance (Cap. 115), the employer of any employee who is not lawfully employable is liable on conviction to a fine of \$350,000 and to imprisonment for 3 years.

9.6 Offences in relation to Unregistered Construction Workers

Under section 6 of the Construction Workers Registration Ordinance (Cap. 583), any unregistered construction worker personally carries out construction work on a construction site or the employer of such unregistered worker is liable on conviction to a fine at level 3 (\$10,000 at present) and level 5 (\$50,000 at present) respectively.

9.7 Disciplinary Proceedings

9.7.1 Under section 13(2) of the BO, the PRC may be subject to disciplinary proceedings if he has:

- (a) been negligent or misconducted himself;
- (b) deviated in a material manner from a supervision plan;
- (c) drawn up a supervision plan that does not comply with the material requirements of the Ordinance;
- (d) certified "minor works" that have been carried out in contravention of the Ordinance;
- (e) supervised "minor works" that have been carried out / carried out minor works in such a manner that they have caused injury to a person; or
- (f) carried out building works (other than "minor works") under the "simplified requirements" / certified building works (other than "minor works") as if it were "minor works" commenced under the "simplified requirements".

9.7.2 The disciplinary proceedings can bring about suspension or removal from the register, a fine or a reprimand.