

## **Contractor Performance Enhancement Scheme**

### **Background**

The Buildings Department (BD) conducts audit checks and, when necessary, site inspections upon receiving submissions under the Mandatory Window Inspection Scheme (MWIS) and the Minor Works Control System (MWCS) to ensure due administration of the Buildings Ordinance (BO). If any irregularities are found, BD will require the concerned registered contractors (RC) to rectify and where applicable, issue warning letters (WL). To enhance the performance of RC and to assist them to better understand the requirements and purposes of the building laws, BD has set up a Contractor Performance Enhancement Scheme (CPES) that makes reference to WL issued to RC.

### **Implementation Details**

2. With effect from 31 December 2019, Performance Points (PP) will be accorded to RC according to the nature and severity of non-compliances when WL is issued to RC. PP accorded for a particular incident as stated in WL will enable RC to better understand their performance in carrying out prescribed inspections and supervising prescribed repair works under MWIS or carrying out minor works under MWCS.

3. When the total PP accorded to RC is 15 or over, BD will issue a notification letter (NL) to invite RC to attend a Performance Enhancement Course (PEC) within three months from the date of the NL. If RC has satisfactorily completed PEC within the specified three months and submitted the certificate of attendance to BD, 15 PP will be remitted. PP will not be remitted if RC has not completed PEC within the specified three months. During RC's registration period, a maximum of 15 PP can be remitted via RC's satisfactory completion of PEC.

4. If RC has been accorded with 15 or more PP (including the situation after discounting the 15 remitted points in paragraph 3 above) at the time of submission of an application for renewal / restoration of registration, RC will be invited to attend an interview with the Minor Works Contractors Registration Committee (MWCRC) for processing its applications.

5. For the purpose of paragraph 4 above, PP will be cumulated as follows:

- (a) for a first-time application for renewal of registration, the cumulative PP will be those accorded in the period between the effective date of the current registration period and the date of submission of the renewal application;
- (b) for subsequent renewal applications, the cumulative PP will be those accorded in the period between the dates of submissions of the preceding and current renewal applications; and

(c) ...

- (c) for a restoration application, the cumulative PP will be those accorded within the registration period of last registration up to the date of submission of the current restoration application.

### Performance Points

6. Allocation of PP provides a fair and systematic mechanism to reflect performance of RC. PP to be accorded will be based on the nature and severity of the irregularities as listed below.

Item No	Irregularities	PP
<b>Technical</b>		
T1	Not carrying out window inspection / minor works personally (if needed)	7
T2	Works not meeting required statutory or technical standards (i) Aspects on building safety (ii) Other aspects	5 3
T3	Improper supervision of works	5
T4	Minor irregularities in carrying out window inspection and repair works (e.g. rusty window frame unattended)	2
<b>Procedural</b>		
P1	Misrepresentation of a material fact in the submitted documents	7
P2	Material deviations from submitted plans	7
P3	Without obtaining prior approval and consent under the BO for carrying out building works other than minor works / designated exempted works / exempted works	5
P4	Not qualified to certify / carry out respective class / type / item of minor works	5
P5	Not submitting prescribed / specified documents / plans within statutory period	3
P6	Insufficient documents / information	2
P7	Unauthorised use of the BD's logo	2
P8	Repeatedly not responding to BD's written warning concerning aspects of deficiencies or non-compliances without a reasonable explanation	2
<b>Miscellaneous</b>		
M1	Special cases (e.g. blatant cases, extensive quantities or other misconduct)	depending on circumstances (Not more than 7)

7. If RC disagrees with the contents of WL including PP accorded for the case, he may seek BD's review by submitting the reasons with documentary proof within one month from the date of WL. The review will be conducted by the relevant Chief Professional Officer who may confirm, reverse or vary the contents of WL within one month after the receipt of RC's submission.

/Performance ...

## Performance Enhancement Course

8. PEC is designed to enhance the overall performance of RC in carrying out minor works and prescribed window inspections through better understanding of the legislative requirements, the administrative procedures and relevant technical knowledge. Two types of PEC are arranged to cater for different qualifications of RC. For RC who is qualified as a Qualified Person (QP) under MWIS, PEC will cover the requirements of both MWCS and MWIS. For RC who is not qualified as a QP, PEC will only cover the requirements of MWCS.

9. PEC will be organised by recognised institutions<sup>1</sup>. RC should submit an application with the required fee to the institution to enrol. The Authorized Signatory (AS) will represent RC to attend PEC. If RC has more than one AS, the AS to attend PEC should be:

- (a) the AS has been accorded with the highest PP as compared with other AS; or
- (b) the AS nominated by RC if no one AS fits the criteria in (a) above.

10. After completing PEC, a certificate of attendance will be issued by the institution. RC is required to submit the certificate to BD in accordance with paragraph 3 above in order to remit the 15 PP.

11. Notwithstanding the circumstances described in paragraph 3 above, for the purpose of enhancing the performance of RC, RC who has been convicted or disciplined under the BO arising from its carrying out minor works or prescribed window inspection / repair should attend PEC. BD will issue NL to RC to attend PEC within three months from the date of the NL. RC is required to nominate a responsible AS to attend PEC and submit the certificate to BD. For the avoidance of doubt, attendance to PEC will not exempt RC from the requirement, arising from its conviction / disciplinary record, to attend an interview with MWCRC for processing its application for renewal or restoration of registration.

(11/2019)

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<sup>1</sup> Currently, the Hong Kong Institute of Vocational Education will organise such PEC.