

BUILDINGS ORDINANCE (Chapter 123)

It is hereby notified that the Registered Contractors' Disciplinary Board ('the Board') conducted an inquiry under section 13 of the Buildings Ordinance (Chapter 123) ('the Ordinance') on 11 August 2022 and was satisfied that: —

- (A) De Cheng Eng. Co. ('the Contractor'), being a registered minor works contractor (Company) on the minor works contractors' register under section 8A(1)(c) of the Ordinance in the capacity of a qualified person ('QP'); and
- (B) CHEN Yanxuan, being a person whose name is entered in the register as an authorized signatory ('AS') of the Contractor under section 12(7)(a)(ii) of Building (Minor Works) Regulation (Chapter 123N),

had failed to discharge the duties, or abide by the requirements, imposed on a QP under the Ordinance in respect of a prescribed inspection of windows carried out at Unit 11 on 4th Floor, Kin On Building, Nos. 163–173 Camp Street, Kowloon ('the Premises') on 13 January 2018 ('the Prescribed Inspection'): —

- (A) the Contractor, being the QP, directly concerned with the Prescribed Inspection at the Premises, knowingly misrepresented a material fact in the Form MWI 5 submitted to the Building Authority under the Ordinance on 15 January 2018, certifying therein that the Contractor being the QP, carried out the Prescribed Inspection in accordance with the Ordinance and that the windows were safe and no prescribed repair was required, but in fact the Prescribed Inspection had never been conducted by the Contractor. The Contractor pleaded guilty and was convicted at the Kowloon City Magistrates' Courts under section 40(2A)(c) of the Ordinance on 20 February 2019; and
- (B) The AS, CHEN Yanxuan, being the representative of the QP under section 10 of the Building (Inspection and Repair) Regulation (Chapter 123P), failed to discharge the duties as required under section 30E(4)(a) of the Ordinance, namely to carry out the Prescribed Inspection personally at the Premises. The AS pleaded guilty to and was convicted at the Kowloon City Magistrates' Courts under section 40(2AD) and section 30E(4)(a) of the Ordinance on 20 February 2019.

The Board ordered that:—

- (a) the Contractor and CHEN Yanxuan be prohibited from certifying any prescribed inspection, or certifying or supervising any prescribed repair, in respect of a window in a building for 8 months, with effect from the *Gazette* date of these findings and orders;
- (b) the Contractor and CHEN Yanxuan do jointly and severally pay the costs of inquiry of the Board in the sum of HK\$30,744; and
- (c) the Contractor and CHEN Yanxuan do jointly and severally pay the costs of the Building Authority in the sum of HK\$11,380.

2 December 2022

LAM Siu-kwong, Andy Chairman,
Registered Contractors' Disciplinary Board