

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 27 July 2021 and was satisfied that:—

- (A) Fuk Cheong Aluminium Work Limited ('the Contractor'), which is a registered minor works contractor ('RMWC') on the minor works contractors' register under section 8A(1)(c) of the Ordinance and was appointed in the capacity of a qualified person ('QP') in respect of the prescribed inspection of the windows at Flat D on 19th Floor of Block 22, Tai Po Centre (Phase 3), No. 3 Po Wu Lane, Tai Po, New Territories ('the Premises') on 31 August 2017 ('the Prescribed Inspection'); and
- (B) CHEUNG Cheong-wah, being the Contractor's sole director and authorized signatory (i.e. the person appointed to act on behalf of the Contractor in relation to the Prescribed Inspection) with his name entered in the register pursuant to 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 RMWC and QP under the Ordinance in respect of the Prescribed Inspection in that:—

- (A) the Contractor was convicted on 8 January 2019 at the Fanling Magistrates' Courts of an offence ('Offence'). The Offence committed by the Contractor was that the Contractor knowingly misrepresented a material fact in the Form MWI 5 dated 1 September 2017 that: (i) the Contractor had carried out the Prescribed Inspection in accordance with the Ordinance; and (ii) the windows at the Premises were safe and no prescribed repair was required, contrary to section 40(2A)(c) of the Ordinance.
- (B) CHEUNG Cheong-wah was convicted on 8 January 2019 at the Fanling Magistrates' Courts of an offence that he consented to or connived at the commission of the Offence by the Contractor, contrary to sections 40(2A)(c), and 40(6) of the Ordinance.

The Board ordered that:—

- (a) the Contractor and CHEUNG Cheong-wah 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 CHEUNG Cheong-wah do jointly and severally pay the costs of inquiry of the Board in the sum of HK\$28,751; and
- (c) the Contractor and CHEUNG Cheong-wah do jointly and severally pay the costs of the Building Authority in the sum of HK\$13,564.