

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 15 August 2024 and was satisfied that FUNG Chi-ming ('the Contractor'), being a Registered Minor Works Contractor (Individual) ('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 1/F, No. 1025 Canton Road, Kowloon ('the Premises') on or about 4 July 2020 ('the Prescribed Inspection'), 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, being a RWMC and the QP, directly concerned with the Prescribed Inspection, pleaded guilty and was convicted on 26 January 2022 at the Kowloon City Magistrates' Courts of offences under the Ordinance, namely:—
- (i) knowingly misrepresented a material fact in a specified form submitted to the Building Authority, namely a Form W11 dated 5 July 2020 certifying that he had carried out the Prescribed Inspection in accordance with Ordinance and that the windows were safe and no prescribed repair was required, but in fact the Prescribed Inspection had not been conducted in accordance with Ordinance, contrary to section 40(2A)(c) of the Ordinance; and
 - (ii) carried out the Prescribed Inspection in such manner as was likely to cause a risk of injury to any person or damage to any property, contrary to section 40(2B)(b) of the Ordinance.

The Board ordered that:—

- (a) the Contractor be prohibited from certifying any prescribed inspection, or certifying or supervising any prescribed repair, in respect of a window in a building for 6 months, with effect from the Gazette date of these findings and orders;
- (b) the Contractor shall pay:—
 - (i) the costs of the Building Authority assessed in the sum of HK\$20,600; and
 - (ii) the costs of inquiry of the Board assessed in the sum of HK\$26,300.

25 October 2024

IP Shui-ming, *Andy Chairman,*
Registered Contractors' Disciplinary Board