

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) Po Fai Construction Engineering 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 F on 19th Floor, Tower 1, The Waterside, No. 15 On Chun Street, Ma On Shan, New Territories ('the Premises') on 18 November 2016 ('the Prescribed Inspection'); and
- (B) LAU Kam-ho, being the Contractor's 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 7 February 2018 at the Shatin Magistrates' Courts of an offence under the Ordinance for (a) knowingly misrepresenting material facts in the Form MWI 5 dated 26 November 2016 that: (i) it 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; and (b) carrying 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 (items (a) and (b) collectively referred hereafter as 'Offences').
- (B) LAU Kam-ho was convicted on 7 February 2018 at the Shatin Magistrates' Courts of an offence for consenting to or conniving at the commission of Offences by the Contractor, contrary to sections 40(2A)(c), 40(2B)(b) and 40(6) of the Ordinance.

The Board ordered that:—

- (a) the Contractor and LAU Kam-ho 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 and LAU Kam-ho do jointly and severally pay the costs of inquiry of the Board in the sum of HK\$28,751; and
- (c) the Contractor and LAU Kam-ho do jointly and severally pay the costs of the Building Authority in the sum of HK\$11,060.