

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 10 January 2023 and was satisfied that:—

- (A) Fai Wong Aluminium Window & Waterproofing Eng. Co. 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 of 15 units at Perfect Mount Gardens, 1 Po Man Street, Hong Kong ('the Premises') during the period from 8 August 2016 to 3 January 2017 ('the Prescribed Inspection') had failed to discharge the duties, or abide by the requirements, imposed on a QP under the Ordinance in respect of the Prescribed Inspection, in that it:—
- (1) did not carry out the Prescribed Inspection of windows at 15 units at the Premises personally, contrary to section 30E(4)(a) of the Ordinance; and
 - (2) was convicted on 5 July 2018 at the Eastern Magistrates' Courts in that it knowingly misrepresented a material fact in the 15 Forms MWI 5 dated 8 August 2016 to 3 January 2017 given to the Building Authority, namely the Contractor had carried out the Prescribed Inspection in accordance to the Ordinance, contrary to section 40(2A)(c) of the Ordinance ('the Offences'); and
- (B) Wong Ting, 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 her 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 a QP under the Ordinance in respect of the Prescribed Inspection in that she:—
- (1) did not carry out the Prescribed Inspection of windows at 15 units at the Premises personally, contrary to section 30E(4)(a) of the Ordinance; and
 - (2) was convicted on 5 July 2018 at the Eastern Magistrates' Courts in that the commission of the Offences by the Contractor was committed with her consent or connivance or was attributable to the neglect or default on her part, contrary to section 40(2A)(c) and 40(6) 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 12 months, with effect from the Gazette date of these findings and orders;
- (b) Wong Ting be fined HK\$20,000;
- (c) the Contractor and Wong Ting do jointly and severally pay the costs of inquiry of the Board in the sum of HK\$30,000; and
- (d) the Contractor and Wong Ting do jointly and severally pay the costs of the Building Authority in the sum of HK\$14,000.

21 April 2023

SZE Wang-cho, James *Chairman, Registered Contractors'
Disciplinary Board*