

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 25 August 2022 and was satisfied that:—

- (A) Bo Kee Construction & Maintenance ('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 and prescribed repair of the windows at Flat C, 1/F, Tung Lok Mansion, 76-86 Jockey Club Road, Sheung Shui, New Territories ('the Premises') on 23 March 2017 ('the Prescribed Inspection and Prescribed Repair'); and
- (B) LO Yu-po ('Mr. LO'), being the Contractor's authorized signatory (i.e. the person appointed to act on behalf of the Contractor in relation to the Prescribed Inspection and Prescribed Repair) 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 and Prescribed Repair in that:—

- (A) The Contractor and Mr. LO knowingly misrepresented material facts in the Form MWI 5 dated 23 March 2017 which was submitted to the Building Authority on 28 March 2017 pursuant to sections 11 and 14 of the Building (Inspection and Repair) Regulation (Chapter 123P) that:—
 - (i) Mr. LO, being the representative of the QP, carried out the prescribed inspection and/or supervised the prescribed repair to the windows of the Premises on 23 March 2017;
 - (ii) Mr. LO carried out the above prescribed inspection in accordance with the Ordinance; and
 - (iii) in the Contractor and/or Mr. LO's opinion, the windows were safe and no prescribed repair was required,but in fact Mr. LO failed to carry out the prescribed inspection to all windows of the Premises and some windows, which required prescribed repair, were not repaired; and
- (B) Mr. LO pleaded guilty to and was convicted under section 40(2A)(c) of the Ordinance on 17 July 2018.

The Board ordered that:—

- (a) the Contractor and LO Yu-po be prohibited from certifying any prescribed inspection, or certifying or supervising any prescribed repair, in respect of a window in a building for 7 months, with effect from the Gazette date of these findings and orders;
- (b) the Contractor and LO Yu-po do jointly and severally pay the costs of inquiry of the Board in the sum of HK\$24,494; and
- (c) the Contractor and LO Yu-po do jointly and severally pay the costs of the Building Authority in the sum of HK\$15,210.

23 June 2023

LAU Yuen-ping, *Monika Chairman,*
Registered Contractors' Disciplinary Board