

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 31 October 2023 and was satisfied that:—

- (A) Global Tests 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') under section 30E(1)(a) and/or (b) of the Ordinance in respect of a prescribed repair of the windows at Flat B2, 10/F, Fuk Wo Mansion, Nos. 42–52 Bedford Road, Nos. 29–43 Lime Street, and Nos. 37–49 and 49A Tung Chau Street, Kowloon ('the Premises') on or about 28 March 2014 ('the Prescribed Repair') had failed to discharge the duties, or abide by the requirements, imposed on a QP or RMWC under the Ordinance in that:—
- (1) it was convicted on 17 November 2017 by the Kowloon City Magistrates' Courts of offences under sections 40(2A)(c) and 40(2AE) of the Ordinance;
  - (2) it failed to provide proper supervision of the carrying out of the Prescribed Repair under section 30E(5)(a) of the Ordinance;
  - (3) it failed to carry out the Prescribed Repair as defined under sections 6 to 8 of the Building (Inspection and Repair) Regulation, Chapter 123P ('B(IR)R'); and
  - (4) it submitted to the Building Authority ('BA') the specified form, which did not comply with the requirements under section 14 of the B(IR)R.

By reason of the aforesaid, the Contractor was negligent and/or misconducted itself in carrying out the Prescribed Repair.

- (B) CHAN Kwok-keung, being a Director, Authorized Signatory (i.e. the person appointed to act on behalf of the Contractor with his name entered in the register pursuant to section 12(7)(a)(ii) of Building (Minor Works) Regulation (Chapter 123N)) and prescribed representative of the Contractor for the purpose of section 30E(4) of the Ordinance, between 30 November 2013 and 8 April 2014 had failed to discharge the duties, or abide by the requirements, imposed on a representative of a QP in respect of a prescribed inspection of the windows at the Premises ('Prescribed Inspection') in that:—
- (1) he was convicted on 17 November 2017 by the Kowloon City Magistrates' Courts of offences under sections 40(2A)(c), 40(2AD), 40(2AE) and 40(6) of the Ordinance;
  - (2) he failed to carry out the Prescribed Inspection personally under section 30E(4) of the Ordinance;
  - (3) he failed to carry out the Prescribed Inspection personally under sections 3 to 5 of the B(IR)R; and
  - (4) he submitted to the BA the specified form, which did not comply with the requirements under section 14 of the B(IR)R.

By reason of the aforesaid, CHAN was negligent and/or misconducted himself in carrying out the Prescribed Inspection.

The Board ordered that:—

- (a) the Contractor and CHAN Kwok-keung be prohibited from certifying any prescribed inspection, or certifying or supervising any prescribed repair, in respect of a window in a building for 4 months, with effect from the Gazette date of these findings and orders;
- (b) the Contractor and CHAN Kwok-keung do jointly and severally pay the costs of inquiry of the Board in the sum of HK\$25,000; and
- (c) the Contractor and CHAN Kwok-keung do jointly and severally pay the costs of the BA in the sum of HK\$22,000.