

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 23 April 2024 and was satisfied that:—

- (A) Strong Window Repair Service Company ('the Contractor'), being a registered minor works contractor (Company) on the minor works contractors' register under section 8(A)(1)(c) of the Ordinance in the capacity of a qualified person ('QP') at the material times; and
- (B) LAM Po-hon Patrick ('Mr. LAM'), being a person whose name is entered in the register as an authorized signatory ('AS') of the Contractor under section 12(7)(a)(ii) of Building (Minor Works) Regulation (Chapter 123N) and the representative of the QP under section 10 of the Building (Inspection and Repair) Regulation (Chapter 123P) at the material times,

had failed to discharge the duties, or abide by the requirements, imposed on a QP under the Ordinance in respect of the prescribed inspection of windows carried out at Flat Q7 on 26/F of Block Q, Sunshine City, No. 8 On Shing Street, Shatin, New Territories ('Premises 1') on 6 July 2016; and Flat 3 on 5/F, 3 O' Brien Road, Hong Kong ('Premises 2') on 22 June 2018:—

I. At Premises 1

- (i) The Contractor, being the QP, directly concerned with the prescribed inspection at Premises 1, knowingly misrepresented material facts in the Form MW13 submitted to the Building Authority under the Ordinance on 11 July 2016, certifying therein that the Contractor being the QP, carried out the prescribed inspection in accordance with the Ordinance, but in fact the prescribed inspection had never been conducted by the Contractor. The Contractor pleaded guilty and was convicted at the Shatin Magistrates' Courts under section 40(2A)(c) of the Ordinance on 17 July 2019; and
- (ii) The AS, Mr. LAM, had failed to carry out the prescribed inspection in accordance with section 30E(4)(a) of the Ordinance, namely to carry out the prescribed inspection personally at Premises 1. The AS pleaded guilty and was convicted at the Shatin Magistrates' Courts under section 40(2AD) and 30E(4)(a) of the Ordinance on 17 July 2019.

II. At Premises 2

- (iii) The Contractor, being the QP, directly concerned with the prescribed inspection at Premises 2, had failed to examine all windows of the Premises 2 in accordance with section 3 and section 4(1)(e) of the Building (Inspection and Repair) Regulation (Chapter 123P); had failed to notice in the Form W11 the following irregularities:—
 - greyish white powder and rust on some rivets;
 - broken or missing rivets; and
 - missing screws;and had failed to propose any related repair or replacement in the Form W11; and
- (iv) The AS, Mr. LAM, had failed to discharge the duties imposed on a QP under section 30E(4)(b) of the Ordinance, and that he had failed to abide by all requirements under the Ordinance.

The Board ordered that:—

I. For Premises 1

- (a) The Contractor and Mr. LAM be prohibited from certifying any prescribed inspection, or certifying or supervising any prescribed repair, in respect of a window in a building for 8 months, with effect from the Gazette date of these findings and orders;
- (b) The Contractor and Mr. LAM do jointly and severally pay the costs of the Building Authority assessed at the amount of HK\$26,500; and
- (c) The Contractor and Mr. LAM do jointly and severally pay the costs of inquiry of the Board assessed at the amount of HK\$16,700.

II. For Premises 2

- (d) 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 24 months, to run concurrently with item (a) above, with effect from the Gazette date of these findings and orders;
- (e) Mr. LAM be permanently prohibited from certifying any prescribed inspection, or certifying or supervising any prescribed repair, in respect of a window, to run concurrently with item (a) above, with effect from the Gazette date of these findings and orders;
- (f) The Contractor and Mr. LAM do jointly and severally pay the costs of the Building Authority assessed at the amount of HK\$19,800; and
- (g) The Contractor and Mr. LAM do jointly and severally pay the costs of inquiry of the Board assessed at the amount of HK\$19,000.

26 July 2024

NG Kwok-hei *Chairman, Registered Contractors' Disciplinary Board*