

LO & LO Solicitors & Notaries Public  
7/F World Wide House,  
19 Des Voeux Road Central,  
Hong Kong

11 March 2026

Dear Sir/Madam,

Re.: Witness Statements and Documents provided by Independent Checking Unit (ICU),  
submitted to Independent Committee (IC)

I refer to your letter dated 3 March 2026 to the Department of Justice regarding the witness statements of Mr. Ku Siu Ping. I append here-below my responses to the questions as raised in the letter for your further action please.

1. Whether Mr. Tse was verbally consulted by Mr. Ku Siu Ping regarding the use of foam boards to cover up windows at Wang Fuk Court and, if so, whether Mr. Tse informed or advised Mr. Ku Siu Ping as to the matters stated in paragraph 60(i) of Ku's 1<sup>st</sup> Witness Statement (third bullet point) and paragraph 32 of Ku's 2<sup>nd</sup> Witness Statement.

My response:

I am not able to recall that Mr. Ku Siu Ping (Mr. Ku) has verbally consulted me regarding the use of foam boards to cover up windows at Wang Fuk Court. Frankly speaking, as the Senior Building Surveyor seconded from the Buildings Department (BD), I have frequent contact with colleagues of the Independent Checking Unit (ICU) everyday including causal chats and discussions. For cases of official issues which my comments had to be sought, colleagues of ICU would usually seek my comments via official channel e.g. by email, on case file, or memorandum. Such email, case file or memorandum were usually attached with a brief background of the case, site inspection findings including site photos and observations, relevant information collected on site from stakeholders such as the complainant / contractor representative / consultant

representative etc. Such information was essential so that I had a full picture of the case for consideration before I could provide a sensible and comprehensive advice or opinion. In general, for verbal enquiries made by colleagues, they would consolidate my verbal advice and opinion and compile a draft reply for my confirmation before replying to the enquirers or complainants to ensure that my verbal advice would not be misinterpreted. They would also send me a copy of their final reply for my record. However, in this case, I did not have any written record of consultation, nor a confirmation of what Mr. Ku claimed to have consulted me.

I would further elaborate that Mr. Ku claimed to have verbally consulted me in the absence of any written confirmation or record. I would definitely treat this as an unfair allegation against me. In fact, from professional point of view, the statement made by Mr. Ku in his 1<sup>st</sup> and 2<sup>nd</sup> Witness Statements, i.e. point (B) and point (C) as mentioned in your letter is obviously unsound. To recap:

*(B) there was neither requirement under the Buildings Ordinance (Cap.123) nor stipulated guidelines in any regulations, rules, codes of practice and standards regarding the use of foam boards as temporary protection for windows and*

*(C) there was no requirement on the fire retardant properties of the foam boards used.*

For your information, I have assisted in the coordination and follow up works in Hong Kong after the Grenfell Tower fire happened in London while I was working in BD in 2017. One of the crucial causes of the fire was attributed to the presence of foam material found in the external cladding during the renovation works. BD was then required to retrieve and take enforcement action on all existing buildings in Hong Kong with similar external cladding material. As such, I am very mindful on foam material to be used at the external wall. The allegation as in point (B) and (C) of the statement were unlikely to be my comments due to my past experience.

2. The respective roles and responsibilities of Mr. Tse in BD and ICU (after being seconded to ICU during the period between 25 April 2023 and 6 July 2025) before his retirement.

My response:

I took up the post of Senior Building Surveyor/Building Control since I was seconded to the Existing Building Team (EBT) of ICU on 25 April 2023. There were 3 Maintenance Surveyors in EBT directly under my supervision apart from some technical grade staff. My primary duties are to administer the building control for building portfolios like Home Ownership Scheme (HOS), divested buildings under the delegation of authority from the Building Authority. Such duties include the enforcement works on the control of unauthorized building works (UBW), defective building and drains. Besides, I also need to handle complaints and enquiries from public and other government departments arising from the enforcement action on UBW, defective buildings and drains. Sometimes, I will also give advice to other units of ICU on matters relating to implementation of Buildings Ordinance (BO), the policy and practice of Buildings Department (BD) in relation to existing buildings.

3. The name(s) of Chief Maintenance Surveyor/ICU ("CMS/ICU") whom Mr. Tse reported to whilst Mr. Tse was being seconded to ICU.

My response:

I reported to Mr. Yeung Kwok Po, Michael, the then CMS/ICU when I was seconded to ICU on 25 April 2023. After Mr. Yeung's retirement around the end of 2023, I reported to Mr. Hui Choi Wah, Anthony CMS/ICU until my retirement on 6 July 2025.

4. Whilst holding his respective positions in BD and ICU, Mr. Tse's involvement (if any) in the building maintenance and renovation works of Wang Fuk Court (including inspection and supervision thereof) before the fire broke out and provide elaborations thereon.

My response:

I have not touched Wang Fuk Court while I was in BD. In ICU, matters relating to the maintenance and renovation work (大維修) arising from the Mandatory Building Inspection (MBI) notice including all related enquiries, complaints were handled by the Mandatory Building Inspection (MBI) team of ICU. Our EBT would deal with enquiries and complaints not relating to the maintenance and renovation works, examples of

which include water seepage, defective or broken drainage pipes, unauthorized building works etc. According to my memory, I have not handled the enquiries and complaints arising from the building maintenance and renovation works of Wang Fuk Court including inspection and supervision thereof.

5. Kindly confirm (a) whether the ICU officer that carries out site inspection of rectification and repair works (to deal with complaints received) will check that safety measures are in place to safeguard, inter alia, the occupants of the affected residential estate, and (b) whether the proper control of inflammable or combustible materials on-site would be one of the safety measures that will be checked by the ICU officers during the on-site inspection referred to in (a) above.

My response:

The extent and area of site inspection should be reasonable. The ICU officer should exercise his judgement on site on what and where to inspect depending on the subject issue and the description of the complaint received. In general, the ICU officer may inspect (i) whether safety measures are in place and (ii) proper control of building combustible material on site. Nevertheless, there are some safety measures such as bamboo scaffolding and safety net which are also concerned and enforceable by the Labour Departments while the control and storage of combustible material may also come under the control and enforcement of the Fire Services Department.

6. As referred to in the Safety Message Nos.20/24 and 24/25 issued by Construction Industry Council, common accidents that occur at construction sites include the improper storage of "flammable or combustible materials". If, upon receiving complaints, ICU officer were to attend site inspection with the primary purpose to check whether scaffolding nets used at the site were fire retardant and if he/she discovers that inflammable or combustible materials are placed at areas that may endanger the safety of occupants of such residential estate (e.g. discovery of foam boards outside the windows of flats of such residential estate), what steps ought to be taken by such ICU officer?

My response:

If the ICU officer is primarily called for site inspection for dubious scaffolding nets but somehow discovered the foam boards outside windows of flats, the officer should first obtain more information and request an explanation from the complainant/the contractor/consultant representative if the foam boards are only confined to few individual units or a particular floor. However, if the foam boards at substantial window areas are discovered, unless a satisfactory explanation was given by the contractor / consultant representative, the ICU officer should give a verbal warning and instruction on spot to the concerned contractor or consultant representative to require removal such inflammable materials. The case should be then monitored and followed up by issuing an advisory letter to the Registered Inspector (RI) and Contractor requiring the removal of such foam board by a deadline. The case should be brought up in a reasonable time for follow-up inspection to check compliance after issuing the advisory letter. If the situation remains intact, ICU may consider to issue a statutory order under section 24 / section 26 of BO to require removal of the foam board and / or issue cease work order under section 23 of BO.

7. Whether foam boards fall within "inflammable and combustible materials" referred to in Clause F5.6 (f) of Code of Practice for Fire Safety in Buildings 2011, and if so, whether such foam boards would not be regarded as "stored under safe custody" if used to cover up windows as temporary protection in the course of building maintenance and renovation works.

My response:

Generally speaking, foam boards are inflammable and combustible materials unless they possess fire retardant properties supported by a valid test report. To my understanding, Clause F5.6 (f) of Code of Practice for Fire Safety in Buildings 2011 refers to inflammable and combustible materials which should be stored under safe custody *when they are not used yet*. According to this logic, the foam boards, which are already fixed to the window, have been used and should not be considered as "not stored under safe custody" in my opinion.

8. Whether foam boards (used to cover up windows as temporary protection in the course of building maintenance and renovation works) fall within the definition of "repair materials" to be monitored by RI under paragraphs 2.1.3(c) and (d) of COP.

My response.:

To my understanding, the "repair material" under paragraphs 2.1.3(c) and (d) of Code of Practice for The Mandatory Building Inspection and Scheme and The Mandatory Window Inspection Scheme 2012 refers to the material which are supposed to be permanently put in place used to make good, repair or replace the defective building elements or structures. Examples of which may include concrete repair mortar for repairing spalled concrete structure, new external wall tiles, drainage pipe used for repair or replacing the defective or broken drainage pipe etc. To this end, it would be more appropriate to classify the foam boards used to cover up windows as "temporary protective or precautionary material" rather than repair material in my opinion.

9. Kindly ask Mr. Tse to clarify whether he considers that use of "foam boards" to cover up windows as temporary protection in the course of building maintenance and renovation works could be classified as "materials" and/or "precautionary measures" used to protect and/or ensure safety of "building works" under section 2 of BO, and provide explanation to his views.

My response:

To my best knowledge, fixing the foam board to the window simply by means of adhesive tape should not be regarded as "building works" under section 2 of BO. However, I would agree that such foam board may be regarded as materials and precautionary measures used to protect the window during repair and renovation work which is regarded as building works.

10. Whether Mr. Tse considers that the use of the foam boards to cover up windows as temporary protection in the course of building maintenance and renovation works would be in contravention of paragraph 4(c) of PNAP APP70 and/or paragraph 4(c) of PNRC 26, and provide elaboration and justification of his views.

My response:

I agreed that the use of foam boards to cover up windows would likely contravene paragraph 4(c) of PNAP APP70 and PNRC 26 as the passage of natural lighting, i.e. sun light will be seriously blocked.

11. Whether Mr. Tse considers that the use of the foam boards to cover up windows as temporary protection in the course of building maintenance and renovation works would be in contravention of section 16 of Building (Construction) Regulation (Cap. 123Q), and provide elaboration and justification of his views.

My response:

As foam boards, generally speaking, are of combustible nature and pose potential fire risk, the presence of foam boards at the external facade will increase the fire risk and deteriorate the situation in case of fire break out. Moreover, foam boards will also block the passage of natural lighting which will contravene section 30 of the Building (Planning) Regulation (Cap. 123F) which states that every room used for habitation, office or kitchen shall be provided with natural lighting and ventilation. Therefore, the use of foam boards to cover windows should not be considered as an “appropriate precautionary measures” as required under section 16 (1)(b) of the Building (Construction) Regulation. In other words, the use of the foam boards to cover up windows as temporary protection in the course of building maintenance and renovation works would have contravened section 16 (1)(b) of the Building (Construction) Regulation.

Please feel free to contact me at tel. no. [REDACTED] for any queries arising from the above.

Yours faithfully,

[REDACTED]  
Tse Kam-ming, Franco

c.c. Department of Justice (Attn.: Mr. Aaron Lam)