

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

22<sup>nd</sup> April 2026

Dear Sir/Madam,

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

I refer to the 3<sup>rd</sup> witness statement of Mr. Andy Ku dated 16 April 2026. I append here-below my responses to paragraphs 56 to 65 for your further action please.

**Para. 56** - “there is no internal guideline on the means and manners for seeking advice from BD officers seconded to ICU”

My response:

I understand that there is no internal guidelines on the means and manners on verbal consultation. However, how specific and relevant of the information submitted during the verbal consultation was very significant. Therefore, as pointed out in item 1 of my earlier response dated 11 March 2026, for a “genuine” verbal consultation made by colleagues of ICU, it should be (i) case-specific and (ii) should come with detailed information such as site inspection report with site photos, supplementary information collected on site from relevant stakeholders etc., so that I have a full picture of the case for consideration. **Most importantly**, should my advice or comment be adopted for replying to the complainant or relying on my comment to handle the complaint, the ICU officer should either wrap up the case for my comment on the draft reply before issue out, or send me a copy of their reply after replying to complainant. The principle behind such a practice is to make sure that my comment/advice during the conversation of consultation is not misinterpreted. This is not a matter of internal guideline but a usual common practice and norm widely adopted in governmental correspondence. Unfortunately, Mr/ KU did not make such a reply to me and I was

unable to confirm whether the message during the consultation was clearly communicated.

**Para. 57** - “Mr. Tse advised that the use of foam boards was not considered as building works and there was no requirement on the fire retardant properties of the foam boards used...The said use of foam board would not be considered as unauthorized building works, it would not be actionable.”

My response:

First of all, I reiterated that I am not able to recall whether Mr. KU has made such verbal consultation with me on 25 September 2024. Without any written record of this consultation, the dialogue with me or in what way Mr. KU has asked me on 25 September 2024 as recorded in paragraph 57 should be treated as one-sided story incorporating all favourable conditions to him. Nevertheless, the context of the statement (ninth line of para. 57), i.e. “the use of foam boards was not considered as building works and there was no requirement on the fire retardant properties of the foam boards used.... The use of foam boards would not be considered as unauthorized building works, it would not be actionable” may be acceptable **given that** the coverage of the foam boards is only confined to few individual flat or a particular floor and the duration is short (please make reference to item 6 of my previous response dated 11 March 2026). It is worth-noting that Mr. KU also admitted this point in para. 58 that he only consulted me on the use of foam boards “generally” without knowing the extent of coverage at the material time when he asked me on 25 September 2024. Mr. KU was also told by the RI and RC that the temporary protection was only in place for a short duration during hacking off. While such **information is important in considering whether such precautionary measure was appropriate and acceptable under section 16 of Building (Construction) Regulation, how he can expect me to give him a comprehensive advice without such crucial information. It should be emphasized that for a genuine consultation, no matter verbal or written, such detailed information should be presented to me, usually in the site inspection reports with photos for understanding the actual situation, together with observations and findings, explanations collected from RI/RC.**

**Para. 58** - "Neither did Mr. TSE ask me to provide any further details during the consultation, or invite me to write him an email to formally seek his advice in writing."

My response:

As a senior professional, Mr. KU has shifted his responsibility to a third party. Actually, it is his responsibility to present a full picture of the scenario when seeking for advice in particular for issues concerning safety. It is unreasonable to present only limited information and expect me to invite/remind him to write me an email to formally seek my advice in writing.

**Para. 59** - "If I had been given to understand that the said use of foam boards would have contravened any specific regulations or guidelines upon consulting the BD secondee or had I known that extensive use of coverage of foam boards, I would have undertaken follow-up actions as mentioned above."

My response:

Mr. KU, as the senior professional, should have tried his utmost to obtain a full picture of the case to enable him to take enforcement action, but not just expecting me, who has been given only slim information, to give him a sensible and comprehensive advice. Moreover, being a Senior Maintenance Surveyor, Mr. KU is an experienced Surveyor under the Building Surveyor stream of the Hong Kong Institute of Surveyors (HKIS). He should possess the necessary professional competence in the knowledge of Building Control, among others, and demonstrate flexibility and skill in handling complaint but not solely relying on a third party opinion. Mr. KU should have his own judgement and decision-making power to analyse third party comments. It is not professional and irresponsible to put the blame on others' advice when issues turned out to be uncontrollable.

On the other hand, I am doubtful whether Mr. KU was unable to find out the extent of coverage of foam boards on site. In fact, he could check whether the foam boards was only fixed for a short duration as promised by the RI and RC (mentioned in para. 58), by simply bring up the case for arranging further site re-inspection, say in 2 or 3 weeks time. ICU staff may also verify the extent and coverage of the foam board by

carrying out inspection on ground floor outside the buildings and / or obtaining such information from the complainant / IO.

**Para. 65** - "It was ICU's understanding that there was neither any specific requirement under the BO, nor stipulated guidelines in any regulations, rules, codes of practice and standards regarding the use of foam boards as temporary protection for windows."

My response:

It is unreasonable to allege me for making such arbitrary comment to rule out any building control on temporary precautionary measures. The argument of this statement is very slim as it can be easily proved to be incorrect if anyone retrieves a clause or a requirement governing the temporary precautionary measures mentioned in any fire safety codes, practice notes, guidelines, circular letters or regulations ... etc.

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

Yours faithfully

[REDACTED]  
Tse Kam-ming, Franjo