

**Independent Committee in relation to the  
Fire at Wang Fuk Court in Tai Po**

---

**WITNESS STATEMENT OF  
CHEUNG YUK CHING, KAREN**

---

I, Cheung Yuk Ching, Karen, Assistant Director/ Mandatory Building Inspection of the Buildings Department (“**BD**”), Buildings Department Headquarters, North Tower, West Kowloon Government Offices, 11 Hoi Ting Road, Yau Ma Tei, Kowloon, do say as follows:-

1. I am the Assistant Director/ Mandatory Building Inspection of the BD of the Government of the Hong Kong Special Administrative Region. I am also a registered professional surveyor and an authorized person under section 3 of the Buildings Ordinance (“**BO**”). I have joined the BD for 32 years since 1994 and was promoted to the present rank in September 2019. My main responsibilities include overseeing the two Mandatory Building Inspection Sections and the Fire Safety Section for implementing the Mandatory Building Inspection Scheme/Mandatory Windows Inspection Scheme and enforcing the Fire Safety (Commercial Premises) Ordinance Cap. 502, Fire Safety (Buildings) Ordinance Cap. 572 and Fire Safety (Industrial Buildings) Ordinance Cap. 636 to improve fire safety standards of old buildings.
  
2. I make this Witness Statement pursuant to the request of the Independent Committee (“**Committee**”) in relation to the fire at Wang Fuk Court in Tai Po as set out in a letter from Messrs. Lo & Lo, Solicitors for the Committee, to the Director of Buildings (“**DB**”) dated 5 January 2026 (“**Letter**”) in which specific

questions were raised in paragraphs 1-57 (“**Paragraphs**”). Save where otherwise appears, the facts deposed hereto are within my personal knowledge or are derived from office files and records and sources to which I have access and which are true to the best of my knowledge, information and belief. Save as otherwise specified, this Witness Statement adopts the same abbreviations and nomenclature as in the Letter.

3. In this Witness Statement, I shall address Paragraphs 15-16, 19-22, 25, 26-36 of the Letter. Other paragraphs which are within the BD’s purview will be addressed in the witness statements of other relevant officers of BD to the Committee.
  
4. I understand that BD will produce to the Committee a List of Documents (“**LoD**”), a draft of which I have read, indexing all relevant documents in the BD’s possession. In this Witness Statement, I shall refer to these documents by their designation in the List of Documents (for example, [**BD/A/1**] means Item 1 in Part A of the LoD) without annexing them hereto for the avoidance of duplication.
  
5. This Witness Statement is divided into the following parts:-
  - (1) **Part I** describes the Mandatory Building Inspection Scheme (“**MBIS**”) and the BD’s supervision of registered inspectors (“**RI**s”) and registered contractors (“**RC**s”) in answer to Paragraphs 15-16, 19-22, 25; and
  - (2) **Part II** sets out supervision and control of renovation works as well as fire safety aspects in answer to Paragraphs 26-29 and 30-36 respectively.

## Part I – MBIS and the BD’s Supervision of RIs and RCs

6. There are some 44 000 private buildings in Hong Kong, among which 10 800 are of 50 years or above. Aging buildings lacking proper care and maintenance pose potential safety threats. Building dilapidation not only affects the living environment of residents, but also poses a threat to public safety, especially when the external walls or windows of the buildings are damaged or spalled off, posing danger to passers-by.

### Principle and strategy

7. It is the primary responsibility of owners to maintain their properties in good condition through making plans for regular inspection and repair of the buildings, paying his/her share of management fees, making contribution to the repair and management fund in accordance with the conditions set out in the Deed of Mutual Covenant (“**DMC**”).
8. Based on this principle, the Government adopts a two-pronged strategy to enhance building safety. On one hand, we provide financial and technical support to assist owners to maintain and repair their properties; on the other hand, the Government proactively intervenes through law enforcement or default works where dilapidated or defective buildings pose public safety hazards.
9. Among others, the Government has implemented the following measures related to MBIS and Mandatory Windows Inspection Scheme (“**MWIS**”): –
  - (a) introducing under the BO, MBIS and MWIS, which were implemented in June 2012 [**BD/A/64**]. Founded on the

principle of “prevention is better than cure”, MBIS and MWIS require owners to carry out inspection and repair timely for their properties and windows so as to tackle the problem of building neglect at source;

- (b) for owners/owners’ corporations (“**OCs**”) who are willing to carry out building maintenance properly, the Government will provide financial and technical support to assist them in carrying out inspection and repair works voluntarily or in compliance with MBIS notices. The Government has since 2018 introduced a number of subsidy schemes in partnership with the Urban Renewal Authority (“**URA**”) with a total financial commitment of \$19 billion, including Operation Building Bright 2.0 (“**OBB 2.0**”) (with a funding of \$6 billion) to support eligible owners to carry out inspection and repair works for common parts under the MBIS [**BD/A/67**];
- (c) BD will take enforcement actions against non-compliance with MBIS notices and instigate prosecution if owners fail to comply with the notices without reasonable excuse;
- (d) for owners of “three-nil” buildings and other buildings who are unable to organise building maintenance, the Government will carry out default works<sup>1</sup> on behalf of them as necessary, but the owners will have to pay the costs and surcharges. It should however be emphasised that government intervention cannot

---

<sup>1</sup> If the owner fails to comply with the relevant order/notice, BD may arrange for a government consultant/contractor to carry out the required inspection, investigation, repair or removal works on behalf of the owner. In case of posing immediate danger to the public (e.g. loosened spalled concrete at the external walls of buildings), BD may arrange to carry out the emergency works without notifying the owner. Upon completion of the works, BD may recover the cost of works, supervision charges and impose a surcharge of not exceeding 20% of the total cost from the owner in accordance with section 33 of the BO. No surcharge will be imposed for emergency works or default works carried out under OBB 2.0.

replace owners' responsibilities. Public resources are by no means unlimited, and government intervention must be targeted and in the public interest to help owners most in need.

## MBIS and MWIS

### *Scope*

10. Following the enactment of amendments to the BO and the subsidiary Building (Inspection and Repair) Regulation (Cap. 123P) ("**B(I&R)R**") in 2011<sup>2</sup> which aim to provide for matters relating to the regular inspections of buildings and the associated repairs to prevent the buildings from becoming unsafe, MBIS and MWIS were implemented in June 2012. Each year, BD, on a risk basis, will score and rank the private buildings eligible for MBIS and MWIS according to the Building Score System ("**BSS**") [**BD/A/76**]. In general, buildings with the highest scores will be nominated as target buildings under MBIS and MWIS. BD selects about 600 target buildings<sup>3</sup> annually each for MBIS and MWIS [**BD/A/76**]. There are currently about 20 300 MBIS-eligible buildings, about 9 000 of which have been issued/identified for issuance of MBIS notices.
11. Under MBIS, BD is empowered under the BO to issue MBIS notices to owners of private buildings aged 30 years or above (except domestic buildings not exceeding three storeys), requiring them to appoint an RI<sup>4</sup> to carry out the prescribed inspection and

<sup>2</sup> The concerned amendments to the BO and the B(I&R)R also provide for matters relating to the appointment of RIs and QPs who are to deal with such inspections and repairs.

<sup>3</sup> The 600 target buildings under BD and the numbers of MBIS-eligible buildings do not include those Home Ownership Scheme ("**HOS**") buildings. The building control under the BO for HOS buildings has been authorised to officers of the Independent Checking Unit ("**ICU**") (currently accountable to the Permanent Secretary for Housing).

<sup>4</sup> The RI appointed under MBIS shall be a person whose name is for the time being on the Inspectors' Register kept by BD under section 3(3B) of the BO. RIs can be an authorized person ("**AP**"); registered structural engineers ("**RSE**"), registered architect, registered

supervise the prescribed repair works found necessary of the common parts, external walls and projections or signboards of the buildings. While the law so empowers BD to issue MBIS notices, it does not prescribe that notices must be issued to all buildings aged 30 or above, nor does it oblige BD to so issue once a building has reached age 30. In fact, as mentioned before, BD adopts a risk-based approach in the selection of target buildings. BD will review the building condition, including the reports or complaints on the building defects such as concrete spalling in the external wall in the selection process. Among 20 000 buildings meeting the age and other MBIS requirements, 9 000 have received MBIS notices, and about 70% of these notices were issued to buildings aged 50 or above.

12. Where a prescribed repair is required, the owners concerned must appoint an RC<sup>5</sup> to carry out the prescribed repair under the supervision of an RI (who may be different from the RI who carried out the prescribed inspection). The building elements to be covered under MBIS prescribed inspection are clearly defined as follows –
  - (a) external elements and other physical elements;
  - (b) structural elements;
  - (c) fire safety elements;
  - (d) drainage system; and
  - (e) identification of unauthorised building works in common parts

---

professional engineer in the building or structural engineering discipline or the building services (building), civil or materials (building) engineering discipline or registered professional surveyor in the building surveying or quantity surveying division satisfying the relevant registration requirements. Regulation 3 of the Building (Administration) Regulations (Cap. 123A) refers.

<sup>5</sup> The RC appointed to carry out the necessary rectification and repair works under MBIS shall be a Registered General Building Contractor (“**RGBC**”) or Registered Minor Works Contractor (“**RMWC**”) who is qualified to carry out the rectification and repair works and whose name is for the time being on the respective Contractors' Registers kept by BD.

of the building, on the exterior other than the common parts of the building (such as external wall, roof or podium, yard or slope adjoining the building) or on the street on which the building fronts or abuts.

Inspection does not necessarily lead to major building repairs. Whether repair works are required and if yes, the extent will be dependent on the outcome of inspection as set out in the report to be submitted to BD by RI.

13. Under MWIS, BD is empowered under the BO to issue MWIS notices to owners of private buildings aged 10 years or above (except domestic buildings not exceeding three storeys), requiring them to appoint a Qualified Person (“QP”)<sup>6</sup> to carry out the prescribed inspection and supervise the prescribed repair works found necessary of all windows of the building. Where a prescribed repair is required, the owners concerned must appoint an RC<sup>7</sup> to carry out the prescribed repair under the supervision of a QP. If the QP is an RGBC or an RMWC, the QP may also act as a contractor to carry out the prescribed repair.

#### Paragraph 15: BD’s roles and involvements in WFC case

14. WFC is an HOS estate and was exempted from the provisions of the BO under section 41(1)(aa) of the BO at the time when it was built in 1983. After WFC was sold to individual private owners,

<sup>6</sup> QP means a person whose name is for the time being on any of the following registers—

- (a) APs’ register kept under section 3(1) of the BO;
- (b) RSEs’ register kept under section 3(3) of the BO;
- (c) inspectors’ register kept under section 3(3B) of the BO;
- (d) register of general building contractors kept under section 8A of the BO; and
- (e) register or provisional register of minor works contractors, under the class, type and item of minor works in respect of windows, kept under section 8A of the BO.

<sup>7</sup> The window repair works may be carried out by the QP appointed for the window inspection provided that the QP is also a RC eligible to carry out window repair works.

it came under the purview of the BO by virtue of section 18 of the Housing Ordinance. WFC is a sold HOS estate and officers of the Independent Checking Unit (“ICU”) or their predecessors have been authorised to exercise building control for the estate under the BO since 1992.

15. BD has not been involved in the WFC renovation, including meetings with owners/the incorporated owners, procurement for the appointment of the registered inspector cum the consultant (i.e. Will Power Architects Company Limited (“WP”)), as well as engagement of the contractor (i.e. Prestige Construction & Engineering Co., Limited (“PC&E”)) for the WFC renovation.

Paragraph 16.1: BD’s selection of MBIS target buildings

***BD’s Selection of Target Buildings for MBIS and MWIS (including the Review of MBIS and MWIS since 2024)***

16. BD adopts a risk-based approach in selecting target buildings for MBIS and MWIS based on the BSS. Each year, BD will score and rank the private buildings eligible for MBIS/MWIS according to the BSS. In general, buildings with the highest scores will be nominated as target buildings under MBIS/MWIS. Given that some of the buildings with high scores are located within the same housing estate, or form an integral part of a development, the Selection Panel (refer to paragraph 20 below) has endorsed “building cluster” as one of the criteria for selecting target buildings since 2017.
17. A building cluster generally refers to the buildings that are located within the same lot or housing estate, or subject to the same DMC of a selected target building. Buildings in the building cluster were mostly developed at the same time, with similar building design

and construction as well as property management. Therefore, from the perspectives of building safety and risk consideration, buildings in a building cluster generally have the same potential risks, and owners generally share the maintenance and repair responsibilities and costs of the common parts of the buildings/housing estates, such as external walls and windows thereof. As such, if after scoring, BD finds that a building with a high score is part of a housing estate or forms an integral part of a development, the buildings in the building cluster will be nominated.

18. In February 2024, the Development Bureau reported to the Panel on Development of the Legislative Council (“**LegCo**”) that the BSS of both MBIS and MWIS would be refined for identifying high-risk buildings in a more precise manner for the issuance of MBIS and MWIS notices by, among other things, putting greater emphasis on the exterior elements of buildings, focusing more on “three-nil” buildings, and capturing more data on building conditions. The revised BSS was put into effect in the second quarter of 2024, under which scores are accorded to buildings based on four criteria (namely building age, building condition, building management and critical building elements). The revised BSS was tabled and discussed at the LegCo Panel on Development on 27 February 2024 [See LC Paper no. CB(1)228/2024(04) at **BD/A/76** and subsequently incorporated in MBI Section Manual Section 2 Instruction No. 1 at **BD/A/53**.
19. In light of the Audit Commission’s report issued on 31 March 2025 at **BD/A/79**, BD also made enhancements to the management of MWIS, such as issuing MWIS notices again to buildings involved in fallen window incidents in the previous year so long as the previous MWIS notices were served more than five years ago; refining the selection criteria to give higher scores to

buildings identified as having a higher risk of falling windows, strengthening internal monitoring of non-compliant cases, increasing the number of samples and audit checks, making use of IT systems to enhance administrative efficiency, and strengthening the efforts in education and publicity during rainy and typhoon seasons to enhance owners' awareness of proper use, maintenance and cleaning of windows [BD/A/80].

Paragraph 16.2: Composition of BD's Selection Panel

***Composition of BD's Selection Panel and Parties and/or Government Departments Involved in the Selection Process***

20. The Selection Panel (MBIS and MWIS) was established in 2012 as an advisory body to render advice to BD. Its terms of reference include: (i) to select the target buildings nominated for MBIS and MWIS; and (ii) to advise BD on aspects related to the nomination and selection of target buildings including any proposed changes to the established selection criteria and scoring system as considered appropriate. [BD/A/53]
  
21. Chaired by the Assistant Director/Mandatory Building Inspection of BD, the Selection Panel comprises two official Members (i.e. Chief Structural Engineer of the Mandatory Building Inspection Section 1 and Chief Building Surveyor of the Mandatory Building Inspection Section 2 of BD), and representatives of the Hong Kong Housing Society, the Hong Kong Institute of Architects, the Hong Kong Institution of Engineers, the Hong Kong Institute of Surveyors, the Hong Kong Association of Property Management Companies and the District Councils as non-official Members. Non-official Members are nominated by the above five organisations and 18 District Councils, and appointed by DB for a term of three years. The 18 District Council members will be

organised into three groups, with each group containing six members. These groups will follow a roster to participate in the annual Selection Panel Meeting.

22. In connection with paragraph 14 above, ICU has been implementing MBIS/MWIS by mirroring BD's policies, standards and practices. It has its own selection panel for rendering advice to ICU for the selection of target buildings under MBIS/MWIS and BD is not involved in the work related to ICU's selection panel. ICU is not required to report to BD on the list of target buildings selected for MBIS/MWIS.

Paragraph 19: Whether the numbers of RIs and RCs are adequate

***Roles and Responsibilities of RI, QP and RC***

23. The duties of an RI under MBIS are stipulated in the BO and the subsidiary regulations including the B(I&R)R. Major duties are listed in the MBIS Code [BD/A/54] as below:
  - (a) carry out the building inspection personally;
  - (b) provide proper supervision of the necessary rectification and repair works with regard to the requirements of MBIS;
  - (c) ensure the repair materials to be used are not defective and comply with the provisions of the BO;
  - (d) ensure the repair materials to be used have been mixed, prepared, applied, used, erected, constructed, placed or fixed in the manner required for such materials under the BO;
  - (e) ensure the building for which he is appointed to supervise the repair is safe or has been rendered safe;

- (f) notify BD of any case of emergency in relation to building safety revealed during the course of building inspection or supervision of building repair works;
  - (g) notify BD of any building works that have been or are being carried out in contravention of the provision of the BO in the common parts of the building; on the exterior other than the common parts of the building, such as external wall, roof or podium, yard or slope adjoining the building; or on the street on which the building fronts or abuts, which are identified during the course of building inspection; and
  - (h) comply generally with the BO.
24. The duties of a QP under MWIS are stipulated in the BO and the subsidiary regulations including the B(I&R)R. Major duties are listed in the MBIS Code **[BD/A/54]** as below:
- (a) carry out window inspection personally where the QP is a natural person (i.e. an AP, RSE, RI or self-employed workers registered as RMWC) or carry out window inspection personally by a representative of the QP as prescribed in the B(I&R)R where the QP is a not a natural person (i.e. an RGBC or RMWC that is a company);
  - (b) provide proper supervision of the carrying out of window repair works with regard to the requirements of MWIS;
  - (c) ensure the repair materials to be used are not defective and comply with the provisions of the BO;
  - (d) ensure the repair materials to be used have been mixed, prepared, applied, used, erected, constructed, placed or fixed in the manner required for such materials under the BO;
  - (e) ensure the windows for which he is appointed to supervise the repair are safe or have been rendered safe;

- (f) notify BD of any case of emergency in relation to window safety revealed during the course of window inspection or supervision of window repair works; and
  - (g) comply generally with the BO.
25. It should be noted that owners may appoint different RIs to carry out prescribed inspection and to supervise prescribed repair under MBIS<sup>8</sup>. Similarly, owners may appoint different QPs to carry out prescribed inspection and to supervise prescribed repair under MWIS.
26. The duties of RCs under MBIS and MWIS are stipulated in the BO and the subsidiary regulations including the B(I&R)R. An RC appointed to carry out a prescribed repair must ensure the part of the building for which the contractor is appointed to carry out the prescribed repair has been rendered safe.

### ***Registers for RIs and RCs***

27. Upon formulating the policy on MBIS in 2009, it was recognised that building inspection and repair works conducted under MBIS should be relatively simple as compared with new building construction, demolition and A&A works. To allow more choices for building owners and enhance market competition, the pool of service providers for building inspections was intentionally

---

<sup>8</sup> If the RI who supervises the repair works is not the same person as for the building inspection, the previous RI appointed under section 30B(1)(a) of the BO for the prescribed inspection must submit to the BA in the specified form certifying that the RI who carried out the prescribed inspection is not a partner, director, or authorized signatory of the RC appointed to carry out the prescribed repair. Section 12(3) of the B(I&R)R refers. Where the same RI is appointed for the prescribed inspection as well as the supervision of the prescribed repair, the RI also must submit to the BA in the specified form certifying that the RI is not a partner, director, or authorized signatory of the RC appointed to carry out the prescribed repair under section 13(2) of the B(I&R)R.

expanded from Authorized Persons (“AP”) and Registered Structural Engineers (“RSE”) (professionals registered under the BO by that material time) to registered architects, registered professional engineers of the relevant disciplines (i.e. building or structural engineering discipline or the building services (building), civil or materials (building) engineering discipline) and registered professional surveyors of the relevant disciplines (i.e. building surveying or quantity surveying division). These architects, engineers and surveyors had to be registered with their respective statutory professional registration boards and possessed relevant work experience in building construction, repair and maintenance. Professionals in the expanded pool meeting the requirements could apply for registration as RIs for carrying out inspections for MBIS under the BO. Reference can be made to LegCo Paper No. CB(1)570/08-09(06) on “MBIS and MWIS – Regulation of Service Providers” at **BD/A/40** and Legislative Council Brief no. DEVB(PL-CR)2-15/08 on “Buildings (Amendment) Bill 2010” at **BD/A/43**.

28. The RCs appointed to carry out the necessary rectification and repair works under MBIS shall be an RGBC or an RMWC who is qualified to carry out the rectification and repair works and whose name is for the time being on the respective Contractors' Registers kept by BD.
29. According to BD’s records, the numbers of RI and RC including RGBC and RMWC that may carry out prescribed inspections and repair respectively under MBIS are tabulated in Table 1 and Table 2 below:

Table 1:

	31.12.2016	31.12.2017	31.12.2018	31.12.2019	31.12.2020
<b>RI</b>	481	509	532	557	569
<b>RGBC</b>	706	729	739	760	769
<b>RMWC (Company)<sup>9</sup></b>	10531	10577	10547	10279	10366
<b>RMWC (Individual)<sup>10</sup></b>	No record	No record	8481	8430	7961

Table 2:

	31.12.2021	31.12.2022	31.12.2023	31.12.2024	31.12.2025
<b>RI</b>	585	584	590	614	632
<b>RGBC</b>	780	810	828	810	827
<b>RMWC (Company)</b>	10 196	10 001	9 913	9 286	8 958
<b>RMWC (Individual)</b>	7 972	7 930	7 319	7 306	7 369

30. Over the same years, the numbers of target buildings with MBIS notices issued under section 30B(3) of the BO for common parts

<sup>9</sup> RMWC (Company) are registered under the BO to carry out the relevant class and type of MW for which they are registered for. They can apply for registration to carry out any class of minor works (i.e. Class I, II and III minor works). Examples of Class I repair works include repair of roof finishes (item 1.62) and repair of structural elements (item 1.17), and examples of Class II MW include repair of external rendering, external wall tiles or roof finishes (2.34), repair of external RC wall (2.15), repair of structural members (2.17) and repair of any aboveground drain pipe (2.30). Please see footnote 10 below for examples of Class III MW.

<sup>10</sup> RMWC (Individual) can only carry out Class III minor works e.g. repair of external non-load bearing block wall (item 3.12) and repair of pipes not involving main pipes (item 3.23).

are tabulated below:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
607	535	407	396	405	596	606	598	602	612

31. Since the implementation of MBIS and MWIS in 2012, BD has been reviewing and adjusting the numbers of target buildings for MBIS and MWIS from time to time by reference to a number of factors including but not limited to the implementation progress as well as the adequacy of RIs and RCs in the market. The accumulative numbers of outstanding MBIS notices issued under section 30B(3) of the BO for common parts and the number of RIs since 2016 are captured in the table below:

	Year	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
(a)	No. of Target Buildings (TB) with MBIS s.30B(3) notice issued	607	535	407	396	405	596	606	598	602	612
(b)	Accumulative no. of TB with s.30B(3) issued at end of the year	3896	4431	4838	5234	5639	6235	6841	7439	8041	8653
(c)	Accumulative no. of TB with all s.30B(3) discharged at end of the year	194	405	595	927	1261	1595	1994	2501	2897	3361
(d)	Accumulative no. of TB with outstanding s.30B(3) notices at end of the year ((b) - (c))	3702	4026	4243	4307	4378	4640	4847	4938	5144	5292
(e)	No. of RI at end of the year	481	509	532	557	569	585	584	590	614	632
(f)	<b>Average No. of TB with outstanding s.30B(3) notices per RI ((d) / (e))</b>	<b>8</b>	<b>8</b>	<b>8</b>	<b>8</b>	<b>8</b>	<b>8</b>	<b>8</b>	<b>8</b>	<b>8</b>	<b>8</b>

32. Based on the statistics in the table above, assuming that the outstanding MBIS notices for common parts each year are

spreading among the RIs in the market, each RI is supposed to handle about 8 target buildings at the same time in recent 10 years.

33. BD will continue to adopt the risk based approach in selection of target buildings for MBIS and review the number of target buildings as necessary.

Paragraphs 20-22: BD's role in tendering processes of RIs and RCs

*BD's role in tendering processes of RIs and RCs*

34. Tendering and procurement matters are outside the purview of the BO. Notwithstanding this, to assist owners in the appointment of RIs and RCs, BD has published the publications below to provide guidance and reference materials to facilitate RIs and owners in handling the subject matter.

(a) Practice Note for Mandatory Building and Window Inspection Schemes (“**PNBI**”) 2 : Best Practices on Tendering Procedures for Engagement of RIs/QPs and RCs under the MBIS and the MWIS [**BD/A/56**]. PNBI-2 draws the attention of the building practitioners to the Maintenance Guidelines jointly issued by Hong Kong Housing Society (“**HKHS**”) and URA [**BD/A/57**] on the best practices on tendering procedures for the engagement of consultants and contractors in pursuance of MBIS and MWIS;

(b) Fact Sheet of Current Mechanism for Fostering a Fair and Healthy Building Inspection and Repair Service Market [**BD/A/78**], which provides comprehensive information/guidelines on specific topics issued by different bodies (e.g. URA, Independent Commission Against Corruption (“**ICAC**”), etc.) relevant to maintenance works,

such as combatting corruption, preventing bid-rigging, services in tender and contract management, etc. is promulgated in BD website; and

(c) Building Maintenance Guidebook **[BD/A/34]**, of which sections 4.3.4, 4.3.5 and 4.3.6 are related to appointment of building professionals and contractors and tendering, is available on BD website.

35. For RIs and RCs who have conviction records in relation to the offences under the BO, due to Personal Data (Privacy) Ordinance (Cap. 486) concerns and obligation to confidence, BD does not publish the conviction records in the public domain.
36. For RIs and RCs who have been disciplined by the disciplinary boards under the BO, BD will publish the decisions of the disciplinary boards through press releases and BD's website, and the decisions are also published in the Gazette.
37. BD does not maintain any "whitelist" of RIs or RCs for public's reference.

Paragraph 25: WP's consulting fee

38. BD has not collected any information on the monetary value of the contracts of inspections and renovation works undertaken by RIs and RCs nor the level of fees charged by RIs in Hong Kong. Nevertheless, BD is working on revising the data collection system so that RIs may report the fees and total cost.

### **Part III – Supervision and Control of Renovation Works**

#### **Paragraphs 26 to 29: Supervision and Control of Renovation Works**

39. Repair works in private buildings, no matter being carried out under MBIS or being carried out voluntarily by the owners, are regulated by BD under the BO.
40. If such repair works are neither minor works under the simplified requirements of the Minor Work Control System (“MWCS”) nor building works exempted under section 41 of the BO (e.g. repair of underground drainage works that involve an excavation of depth more than that permitted under MWCS, demolition of cantilevered slab canopy, etc.), then prior approval of plans and consent for commencement of works are required under section 14(1) of the BO and so the appointment of AP/RSE is required. The AP/RSE and RC should comply with the procedures and requirements of the approval and consent system and ensure that the works are carried out in accordance with the BO.
41. For repair works, including prescribed repair works under MBIS, that are relatively smaller in scale, less complex and of lower risks including repair of external walls, roofs and drainage pipes, the works may follow the simplified procedures under the statutory MWCS system introduced in 2010 without the need to obtain prior approval and consent from BD.
42. Apart from the BO and its subsidiary regulations, BD issues various codes of practice, technical guidelines, design manuals, practice notes and circular letters. These documents mainly serve as guidance for compliance with the BO and its subsidiary regulation requirements.

43. Although ICU is not required to report to BD on the list of target buildings selected for MBIS/MWIS as stated in paragraph 22 above, from the reports, complaints and enquiries received from the public [BD/B/1 to 23], BD was aware that WFC, being an HOS estate, was a target building selected by ICU under MBIS.

*Repair Works under MBIS*

44. MBIS requires the carrying out of prescribed repair according to the scope set out in the Code of Practice on the Mandatory Building Inspection Scheme and the Mandatory Window Inspection Scheme (“**MBIS Code**”) [BD/A/54], to render the building safe.
45. If rectification and repair works are required to be carried out after the prescribed inspection, the RI shall demarcate in the repair proposal the part of works that are either minor works to be commenced in accordance with MWCS, or subject to the prior approval and consent system where the appointment of AP/RSE is required (e.g. repair of underground drainage works that involve an excavation of depth more than that permitted under MWCS, demolition of cantilevered slab canopy, etc.). Although an AP/RSE is appointed for such repair, the RI is still responsible for the coordination of the repair works and certifying the completion of the repair under MBIS in accordance with the B(I&R)R.
46. In some circumstances, where the owners wish to take this opportunity to carry out other non-MBIS improvement or upgrading works concurrently (e.g. replacement of the finishes of the lobby or upgrading works required under the Fire Safety (Commercial Premises) Ordinance (Cap. 502) (“**FS(CP)O**”) or Fire Safety (Buildings) Ordinance (Cap. 572) (“**FS(B)O**”) such as replacement of existing staircase doors with new doors to meet the

fire standards stipulated in FS(CP)O or FS(B)O although no repair is found necessary in the prescribed inspection under MBIS), the repair works required under MBIS should be clearly stated in the repair proposal and should be distinguished from the additional improvement or upgrading works. Such additional improvement or upgrading works, depending on nature, may be carried out under MWCS or the approval and consent system.

47. RIs appointed for the prescribed inspection and/or prescribed repair shall submit the documents and certificate in the corresponding specified form within specified time after completion of the prescribed inspection and/or prescribed repair. Section 12(2)(a) and section 13(2)(a) of the B(I&R)R have specified the information to be included in the inspection report and completion report respectively. For the completion report, it should include record of repair works carried out, report or certificate of the material used, statement of the methods of the testing adopted for the prescribed repair and record of the result of the testing conducted. Guidelines on preparing the reports have been given in the MBIS Code and the checklists for preparing inspection report have been provided in PNBI-7 for RI's use. Sample reports for inspection and completion are also provided in PNBI-7 [BD/A/66] and PNBI-8 [BD/A/68] respectively for reference.

***Roles of RI and RC in building safety and quality***

48. For prescribed repair under MBIS, RIs and RCs, the existing regulatory regime is designed in such a way that RIs and RCs bears the basic responsibility of ensuring building safety and quality (please see paragraphs 49-56 below). This will be complemented by BD's audit checks comprising document audits and site audits to increase deterrence (please see paragraphs 57-63). Should

irregularities be detected during BD's audits, prosecution and/or disciplinary actions will be instigated.

49. Under section 30D(4) of the BO and Part 4 of the B(I&R)R, RIs should ensure the building is safe or has been rendered safe and comply generally with the BO. For RC, under sections 9, 9AA and 30F of the BO, RCs must ensure the part of the building for which the contractor is appointed to carry out the prescribed repair has been rendered safe.
50. To ensure the standard and quality of the repair works, the RI should exercise professional judgement in adopting the most appropriate repair methods based on the findings of the inspection and appropriate proof tests if necessary. The RI shall ensure that the repair works are carried out to meet the standards stipulated in the BO and regulations. According to para 5.2 of the MBIS Code, in determining the repair methods, the RI shall consider different aspects, among others, the impact of repair proposals to the occupants and the public and any other aspects which are relevant to the safety and health standards of the building under repair.
51. RIs and RCs each have roles to play in safety and quality management. Part 6 of the MBIS Code has specified that the supervision and control to be exercised by RIs and RCs during the course of rectification and repair works shall cover adequate measures to ensure a safe working environment and adequate control on the sequence of rectification and repair works, the erection and maintenance of scaffolds.
52. As stipulated in para. 6.1 of the MBIS Code [BD/A/54], RIs and RCs should adopt the practice set out in the MBIS Code and make reference to PNBI, Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical

Engineers (“**PNAP**”) and Practice Note for Registered Contractors (“**PNRC**”) wherever appropriate. RIs and RCs shall comply with the BO and its subsidiary regulations, and shall provide **supervision** to the rectification and repair works to ensure that the works are prepared, carried out and completed safely and up to the required standards, and that the building has been rendered safe after completion of the repair works. If emergency in relation to building safety is revealed during the course of repair works, RIs shall notify the BA and alert the owners and occupants immediately.

53. During the course of rectification and repair works, the RI and RC shall ensure that safety measures have been provided to safeguard the workers, occupants and the public as well as the adjacent buildings and such measures are suitable for the kind of repair and rectification works. The RI and the RC shall ensure that the works are carried out safely.
54. To ensure the works are prepared, carried out and completed to the required standards, the RI shall examine and supervise all the rectification and repair works carried out by the RC at such frequency and extent not less than that specified in Appendix VI of the MBIS Code.
55. In other words, RIs and RCs should fully understand the potential fire risks involved in the course of repair works and adopt appropriate precautionary measures accordingly in carrying out the works.
56. Specifically, the documents under the current regulatory regime concerning repair works in respect of MBIS and MWIS include:
  - (a) The BO and the Subsidiary Regulations Cap 123 (A to Q);

- (b) The MBIS Code [**BD/A/54**];
- (c) The Code of Practice for Fire Safety in Buildings 2011 (“**FS Code**”) [**BD/A/50**];
- (d) PNBI;
- (e) Documents listed in PNBI-1 (Mandatory Building and Window Inspection Schemes) [**BD/A/55**];
- (f) Guidelines on the Design and Construction of Bamboo Scaffolds issued by BD [**BD/A/38**];
- (g) Code of Practice for Bamboo Scaffolding Safety issued by the Labour Department [**BD/A/29A**]; and
- (h) Other relevant documents including Technical Memorandum, various codes of practice, technical guidelines, design manuals, PNAP and PNRC and circular letters, etc, issued by BD from time to time.

### ***BD’s Audit Checks***

57. In order to ensure RIs have duly discharged their statutory duties under MBIS, BD carries out random audit checks. Under the current practice, the submitted certificates on completion of prescribed building inspection or repair by RIs are to be sampled for audit checks. The audit checks consist of document audit on vetting the submitted inspection report (including repair proposal, proof test proposal) and completion report (including report or certificate of the material used and record of the result of the testing conducted) and site audit. The document check and site check will be carried out in accordance with MBI Manual Section 2 Instruction No. 6 [**BD/A/61**] and Section 3 Instruction No. 4 [**BD/A/62**] in which the items to be checked are listed in audit form (Appendix B in both manual) for MBIS cases and MWIS cases respectively.
58. According to the audit checklists under the MBI Manual Section 2

Instruction 6 [BD/A/61], under the document audit, the items below, among others, will be checked:

- (a) the general appropriateness of the method statement adopted for the building inspection;
- (b) the adequacy of the scope of inspection. The fire safety elements including means of escape, means of access for fire fighting and rescue and fire resisting construction is one of the essential inspection elements under the scope of inspection; and
- (c) the repair proposal including method statement to rectify the building defects to render the building safe and the curriculum vitae of the RI's representatives engaged by the RI for supervision of the building repairs.

59. The document audit aims at verifying the compliance with the scopes and requirements under the B(I&R)R and the MBIS Code. It should be noted that the repair proposal submitted together with the completion of the prescribed inspection report usually give brief details of the repair works to be carried out. After contractor is awarded, the RI and RC appointed by the owners to carry out the repair works will formulate and work out in details of the planning for repair works. RIs should bear in mind of their responsibility under para. 6.2.1 of the MBIS Code when approving construction details proposed by RCs to ensure safety of the fire safety elements at all times.
60. The site audit aims at verifying the accuracy of the reports submitted with regard to the actual building condition as certified by the RI as well as ascertaining the repair works were satisfactorily completed meeting the requirements of MBIS.
61. To provide a more objective sampling basis, BD adopted the ISO-

2859-1 “Sampling Procedures for Inspection by Attributes” to guide the selection of MBIS submissions for audit checks [BD/A/25]. The audit checks were set to require successfully conducting a minimum of 315 samples of the submissions in order to achieve an acceptable level of quality control over RIs and RCs’ performance under the BO. Statistics of audit checks under MBIS from year 2022 to 2025 are tabled as follows:

<b>MBIS</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
(a) Total number of MBI submissions received (including Form MBI3, MBI3a and MB4 under s.30B(3), s.30B(4) and s.30B(5))	11 976	13 623	9 984	10 451
(b) Total number of audit checks completed (No. of cases with document checks)	1962	1511	796	1 602
(c) No. of successful site audits conducted in item (b)	374	367	184 (*)	390
(d) Successful site audits required under ISO 2859 -1 - 1999	315	315	315	315

(\*) Resources redeployed to conduct the Special Operation on “Removal of Potential Danger in Exteriors of Building” due to the fallen object incidents in 2024.

62. Apart from identifying irregularities of RIs/RCs during audit checks, BD handles public reports and complaints about the performance (e.g. repair works not done properly) of RIs/RCs and reports concerning the execution and safety of the repair works (e.g. fallen concrete/rendering/windows during and after completion of the prescribed inspection/repair). In order to safeguard against possible non-compliance, upon receiving reports/complaints from the public on suspected irregularities, BD would carry out site inspection to identify any obvious danger on site, mal-practice of RIs/RCs or contravention of the BO, and would take appropriate follow-up actions accordingly.

63. If obvious danger is identified on site, BD officers will demand immediate rectification to remove the danger and stop the dangerous practice. BD may follow up the case by serving cease works orders against the RC, requiring him to cease works and submit an incident report, conduct a safety audit and submit a remedial proposal to justify safe and proper execution of works before BD will consider lifting the cease works order. For irregularities of minor nature, BD may issue verbal warnings, advisory letters or warning letters to the RI/RC concerned. Prosecution/disciplinary action against RI/RC would be considered for major irregularities.

***Repair works under MWCS***

64. MWCS is under the policy area of the Assistant Director/ Corporate Services (AD/CS). I understand that another officer in BD, namely, Mr Pang Yuk Lung, Michael will give evidence in this aspect in his witness statement.

***Consequences of non-compliance by the RI/RC***

65. Prosecution/disciplinary action would be initiated against, among others, the following situations -
- (a) RIs/RCS grossly omit or blatantly refuse to discharge the duties under the BO and its subsidiary regulations as well as the MBIS Code;
  - (b) cases causing injury to person or damage to property or likely causing a risk of injury to person or damage to property; and

- (c) repeatedly fail to discharge duties or fail to comply with procedural requirements as revealed in the submissions of RIs/RCs.

***MBIS and MWIS for Buildings under ICU's purview***

66. ICU administers building control under the BO for sold HOS buildings under the delegated authority by DB. The supervision and control of maintenance and repair works of WFC are thus regulated by ICU under the BO.
67. In cases involving non-compliance with statutory MBIS and/or MWIS notices issued, or when prosecutions for specific offences under the BO are warranted, ICU, like other divisions within BD, serves as the initiating section. In such circumstances, ICU would refer the non-compliant case, together with the completed investigation report of the suspected contraventions of the BO or misconduct or negligent incident, to BD for taking prosecution and/or disciplinary action.

Paragraphs 30-33: Fire safety aspects

***Fire Safety in Repair and Renovation Works***

68. BD sets out requirements through various codes of practice, technical guidelines, design manuals, practice notes and circular letters. PBP and RCs shall exercise their professional and technical knowledge and experience to supervise and monitor the whole progress during the course of renovation works to ensure its compliance with the BO and the relevant code of practice, technical guidelines, practice notes, etc. BD would carry out audit checks when PBP certifies completion of building works under

approval and consent mechanism, MBIS or MWCS whenever applicable.

69. As far as **fire safety** standards for private buildings constructed under the purview of the BO are concerned, Part V of the Building (Planning) Regulations (Cap. 123 F) (“**B(P)R**”) [BD/A/1] and Part 10 of the Building (Construction) Regulation (Cap. 123 Q) (“**B(C)R**”) [BD/A/72] provide the major fire safety requirements.
70. Under Part V of the B(P)R, regulations 39 to 41 provide for the provision of means of escape in case of fire, and regulations 41A to 41D provide for the provision of means of access for firefighting and rescue, etc.
71. Under Part 10 of the B(C)R, section 35 stipulates the requirements on the provision of fire safety construction under which a building must be designed and constructed so as to, in case of fire, inhibit the spread of fire within the building and to the buildings nearby; provide adequate resistance to the spread of fire and smoke between different buildings and in the building between different uses; and maintain the stability of the building to allow adequate time for safe evacuation; rescue and firefighting, and avoid any consequential damage to the buildings nearby, etc.
72. Sections 27, 28 and 30 of the B(C)R require the external walls, claddings and curtain walls of buildings to be constructed of materials that are non-combustible.
73. Under section 3 of the B(C)R, all materials used in building works and street works must be of a nature and quality suitable for their intended use or purpose; adequately mixed or prepared; and applied, used or fixed so as to perform adequately their intended functions. The materials used must be adequately tested.

74. The FS Code [BD/A/50] published by BD provides in details the prescriptive requirements that are deemed to comply with the abovementioned statutory requirements stipulated in the B(P)R and the B(C)R. Part B and Part C of the FS Code outline the prescriptive requirements on provision of means of escape and fire resisting construction of buildings respectively.
75. Clause F5.6 of the FS Code states that when carrying out alterations, additions, renovations and repair works, the major fire safety requirements should be observed and brought to the attention of all concerned in carrying out the works. For instance, during the course of works, all means of escape should be maintained at all times, alternative measures for ensuring adequate standard of fire safety should be provided if any means of escape, fire rated doors, fire barriers, etc. have to be temporarily removed, any inflammable and combustible materials should be stored under safe custody and accumulating in excessive quantity should be avoided, etc.
76. Section 16 of the B(C)R [BD/A/72] requires appropriate construction methods and procedures must be taken and appropriate precautionary measures must be adopted in carrying out building works.
77. For repair works under MBIS, RIs and RCs should be appointed. Under section 30D(4) of the BO and Part 4 of the B(I&R)R, RIs should ensure the building is safe or has been rendered safe and comply generally with the BO. Part 6 of the MBIS Code has specified that the supervision and control during the course of rectification and repair works shall cover adequate measures to ensure a safe working environment and adequate control on the sequence of rectification and repair works, the erection and

maintenance of scaffolds. For the case of RCs, under sections 9, 9AA and 30F of the BO, RCs must ensure the part of the building for which a contractor is appointed to carry out the prescribed repair has been rendered safe. In other words, RIs and RCs should fully understand the potential fire risks involved in the course of repair works and adopt appropriate precautionary measures accordingly in carrying out the works.

78. In view that WFC is pre-1987 built building, the FS(B)O<sup>11</sup> is applicable to WFC. Being an HOS estate, WFC is exempted from the provisions of the BO by virtue of section 41(1)(aa) of the BO when the buildings were built. BD has not approved nor has any knowledge about the design and construction of the buildings of WFC. Insofar as the joint enforcement actions by BD and the Fire Services Department (“FSD”) under the FS(B)O are concerned, target buildings and the related implementation schedule are being set on a risk basis. HOS buildings have been arranged to be selected as target buildings at a later stage of the implementation schedule subject to further liaison with FSD and HD upon substantial completion of the first stage. Hence, WFC has yet to be selected by BD and FSD for enforcement action under the FS(B)O.

#### Interplay between FS Code and MBIS Code

79. The FS Code [BD/A/50] was first issued in September 2011 to replace the Code of Practice for the Provision of Means of Escape in Case of Fire 1996, the Code of Practice for Fire Resisting Construction 1996 and the Code of Practice for Means of Access

---

<sup>11</sup> The *enforcement authority* (執行當局) of the FS(B)O —

- (a) in relation to the planning, design and construction of a composite building or domestic building, means the Director of Buildings; and
- (b) in relation to any fire service installation or equipment, means the Director of Fire Services.

for Firefighting and Rescue 2004, and to provide guidance on compliance with the requirements laid down in section 35 of the B(C)R and sections 41, 41A, 41B, 41C and 41D of the B(P)R, which include the requirements for fire resisting construction, means of escape and means of access for firefighting and rescue to buildings related to the new construction, alteration and additions works of all private buildings in the territory. In addition, it also sets out requirements and provides guidelines to the building professionals on the testing standards for the fire properties of building elements and components, fire safety management of buildings and the alternative approach in fire safety design.

80. The MBIS Code [**BD/A/54**] which firstly issued in 2012 was to specify the technical standards and procedure requirements for the RIs and QPs to carry out prescribed inspection of buildings and windows and for the RCs to carry out the necessary repair works under MBIS and MWIS.
81. Both the FS Code and the MBIS Code have common objectives to safeguard building safety, with the former focuses on fire safety of buildings and the latter on safety of building inspections and repair works covering also the fire safety aspects. Both codes aim to protect occupants of buildings as well as the public through upholding building safety.
82. Apart from the two Codes above, BD has also promulgated practices notes and guidelines, etc. to provide other guidelines in relation to the carry out and control of repair works in existing buildings. RIs and RCs shall ensure that safety measures during the course of rectification and repair works have been provided and are suitable for the kind of the works, and shall also ensure that the works are carried out safely.

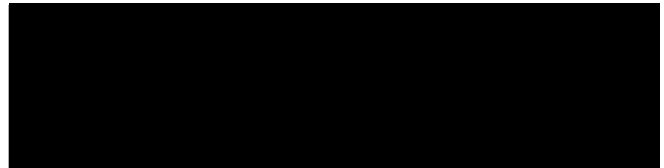
83. For non-compliance by RIs/RCs, as mentioned in paragraph 65 above, prosecution/disciplinary action under the BO against the RIs/RCs may be initiated if applicable.
84. Generally speaking, BD is the authority responsible for regulating the design and construction of the passive fire safety measures in private buildings, e.g. the design and construction of exit staircases, smoke lobbies, corridors, compartmentation and fire resisting rating of fire barriers (e.g. walls, doors and fixed light), design and construction of emergency vehicular access and access for firefighting and rescue, etc. FSD is the authority responsible for regulating the active fire safety measures involving fire services installations and equipment (e.g. hose reels, fire alarms, fire extinguishers, sprinklers, emergency lighting), abating fire hazards and floating obstructions in buildings, regulating dangerous goods, etc.

Paragraphs 34-36: WP and Prestige in WFC case

85. As the building control of WFC is exercised by ICU, BD has no knowledge on the details of the renovation works being carried out at WFC including any measures taken by WP and Prestige in WFC case. BD has no involvement in the vetting of any inspection reports or method statements prepared by the RI of WFC case.
86. From time to time, BD may receive, through emails or referrals from 1823, reports, complaints or enquiries regarding public housing which should be handled by ICU. BD will refer these reports, complaints or enquiries to ICU for their follow-up action as appropriate. Some reports, enquiries or complaints related to WFC were directed to BD and the list and their corresponding replies/responses are at **BD/B/1, BD/B/2, BD/B/4, BD/B/6 to BD/B/23**.

87. Regarding BD's vetting of inspection reports and method statements prepared by RIs under the audit system, the scope and the relevant considerations have been detailed in the preceding paragraphs 57-60.
88. I confirm that the contents of this Witness Statement are true to the best of my knowledge, information and belief.

Dated this 19<sup>th</sup> day of January 2026.

A large black rectangular redaction box covering the signature area.

Cheung Yuk Ching, Karen

#2127680520-v1