

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

**WITNESS STATEMENT OF
PANG YUK LUNG, MICHAEL**

I, Pang Yuk Lung, Michael, Assistant Director/ Corporate Services 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/ Corporate Services of the BD of the Government of the Hong Kong Special Administrative Region. I am also a registered architect and a member of the Hong Kong Institute of Architects. I have joined the BD for about 30 years since about 1996 and was promoted to the present rank in 2024. My main responsibilities include overseeing the Corporate Services Division including legal services, technical services, research and development, public education and publicity and control on minor works and signboards.

2. I make this Witness Statement pursuant to the request of the Independent Committee (the “**Committee**”) in relation to the fire at Wang Fuk Court (“**WFC**”) 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 (the “**Letter**”) in which specific questions were raised in paragraphs 1 to 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 1, 2-14, 17-25 and 54-57 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 LoD (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 a detailed description of Roles and Responsibilities of the BD in answer to Paragraphs 1, and 2-14;
 - (2) **Part II** 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 17-25; and
 - (3) **Part III** sets out General Matters in answer to Paragraphs 54-57.

Part I – Roles and Responsibilities of the BD

Overall regulatory framework of the Buildings Ordinance (Cap. 123) (“BO”) and underlying policy considerations

6. Before addressing the questions raised in the Letter in respect of the WFC case, it is necessary to introduce the regulatory framework of the BO and the underlying policy considerations. The BO, enacted in 1955, provides for the planning, design and construction of buildings and associated works; to make provision for the rendering safe of dangerous buildings and land; to make provision for regular inspections of buildings and the associated repairs to prevent the buildings from becoming unsafe; and to make provision for matters connected therewith.

7. The building control regime can be described as a three-tier control system¹:
 - (a) the Building Authority² (“BA”) as the regulator and enforcer of the BO, is responsible for setting the standards and requirements; approving statutory submissions; performing the function of “check the checker” through site inspections

¹ Estimated volume of private building works being carried out in the territory for reference: as at 15 December 2025, about 1 450 construction, demolition and alteration and addition (“A&A”) works sites were in active progress, and some 2 800 existing buildings under MBIS were undertaking whole building repair works or pending to kick start repair works. Furthermore, on average some 150 000 minor works (“MW”) submissions, which may include whole building or non-whole building repair works, are received by the BD each year. The above volume of works does not include the building works that are under purview of the Independent Control Unit of the Housing Bureau as set out in paragraphs 38 to 74 below and Government buildings.

² The duties and powers of the BA under the BO may be carried out and exercised by the DB or officers of BD or other departments specified in Schedule 4 of the BO authorised by DB.

and audit checks; overseeing the performance of Prescribed Building Professionals ³ (“**PBPs**”) and RCs; and taking enforcement actions against non-compliance;

- (b) PBPs, responsible for designing and coordinating building works; preparing plans for submission to BD; supervising and counter-checking the works of RCs; supervising and counter-checking the testing⁴ of building works; ensuring building works are carried out in accordance with the BO and its subsidiary regulations; certifying completion of works in accordance with the BO and its subsidiary regulations; notifying BD on irregularities detected and implementing rectifications as required; and
- (c) RCs ⁵ , responsible for designing ⁶ , carrying out and supervising building works; preparing plans ⁶ for submission to the BD; arranging/conducting testing of building works; ensuring building works are carried out in accordance with the BO and its subsidiary regulations; certifying completion of works in accordance with the BO and its subsidiary regulations; notifying PBPs and BD on irregularities detected and implementing rectifications as required.

8. Joint performance of all three parties are required to serve the

³ PBPs mean authorized person (“**AP**”), registered structural engineer (“**RSE**”), registered geotechnical engineer (“**RGE**”) or RI under section 2 of the BO. Here, PBPs refer to the building professionals generally required for new building developments, demolition, A&A works, works carried out under the MBIS (please refer to the separate item on “Regulatory regime for private buildings maintenance”), and MW (Class I only).

⁴ Examples include foundation, concrete, steel reinforcement, etc.

⁵ RCs mean Registered General Building Contractor (“**RGBC**”), Registered Specialist Contractor (“**RSC**”) or Registered Minor Works Contractor (“**RMWC**”).

⁶ For Classes II and III MW which are carried out without the appointment of PBP.

objectives of the BO, ensure effective operation of the building control regime as well as the safety and quality of building works in accordance with the BO and its subsidiary regulations. In this connection, the PBPs serve as overall coordinators and are responsible for the building design and periodic supervision of the carrying out of building works to ensure compliance with the BO. The RCs are the party actually carrying out the building works and hence they assume the responsibility of continuous supervision of the works to ensure compliance with the BO. Both PBPs and RCs have to certify upon completion of building works under Regulation 25 of the Building (Administration) Regulations, (Cap. 123A) (“**B(A)R**”) that the works are completed in accordance with the provisions of the BO and its subsidiary regulations.

9. Accordingly, the BO and its subsidiary regulations also govern the following four major aspects:
 - (a) **PBPs and RCs registration system:** Statutory requirements are set to govern the qualification, experience, ability and competence of PBPs and RCs. The primary aim of the registration system is to ensure that only competent professionals/contractors can take up the roles, duties and obligations to prepare plans, supervise, carry out and certify building works in accordance with the BO. Renewal of registration of PBPs and RCs will be reviewed if non-performance is identified;
 - (b) **building works control system:** Based on the different nature, scale, complexity and risk levels of building works, different mechanisms and procedures of control are

administered to ensure the safety and quality of the works. For more complex and higher risk building works, approval and consent must be sought from the BA before commencement of works. For less complex and lower risk building works, the simplified procedures of the Minor Works Control System (“**MWCS**”) would apply;

- (c) **regulation and enforcement:** The BA is responsible for setting the safety and health standards and requirements of building works, such as building materials, building design and intensity of development, structural stability and strength, fire safety performance, etc. BD regularly carries out inspections and audit checks to building works sites and conducts large-scale operations against unauthorised building works and defects in existing buildings on risk-basis. BD also attends to public reports on site and building irregularities. If there is non-compliance of the BO standards and requirements, BD would take enforcement actions to rectify the situation, including but not limited to requiring PBPs/RCs to submit incident and rectification reports, issuing statutory orders such as cease work orders, investigation and repair orders; and

- (d) **statutory sanctions:** If contravention of the BO is identified, the persons responsible will be subject to prosecution under the BO according to evidence and circumstances of the case. PBPs and RCs who have misconducted or have been negligent will also be subject to disciplinary action under the BO. Renewal of registration of RCs will also be reviewed if non-performance is identified.

Roles, functions and duties of the BA

10. Pursuant to the powers under the BO, the BA is responsible for the administration and enforcement of the BO and its subsidiary regulations to ensure the safety and health standards of private buildings and associated works. The duties and powers of the BA under the BO may be carried out and exercised by DB or officers of BD or other departments specified in Schedule 4 of the BO as authorised by DB.

11. The major roles, functions and duties of the BA/BD include:
 - (a) to administer the registration system for PBPs and RCs;
 - (b) to review, set and enforce safety, health and environmental standards set out in the BO and its subsidiary regulations;
 - (c) for new buildings, A&A and demolition works, to scrutinise, grant approval of plans and consent for commencement of works proposed by PBPs; issue occupation permits for completed buildings; acknowledge completion of works;
 - (d) to implement MWCS to facilitate owners in carrying out small-scale building works safely and lawfully;
 - (e) to implement the MBIS and Mandatory Window Inspection Scheme (“MWIS”);
 - (f) to conduct inspections and audit checks to building works sites to ensure building safety and quality of works;
 - (g) to oversee the performance of PBPs and RCs and take disciplinary actions against misconduct or negligence of PBPs and RCs;
 - (h) to attend to public reports concerning safety and irregularities

- of building works;
- (i) to take enforcement action against irregularities in building works and against building defects, dangerous buildings and unauthorised building works;
 - (j) to take prosecution actions against non-compliance with the BO; and
 - (k) to review renewal of registration of PBPs and RCs for substandard performance.

Roles, duties and obligations of PBPs, RCs and related personnel

12. PBPs are required to possess the relevant qualifications, experience and pass the interview of respective registration committees set up by virtue of the BO before the BA may accept them to be registered under the BO. Generally speaking, PBPs are responsible for performing the following duties:
- (a) designing and coordinating building works;
 - (b) preparing plans as prescribed under the BO and the subsidiary regulations for submission to BD, such as general building plans or foundation plans;
 - (c) performing periodical supervision and ensuring the building works are carried out in accordance with approved plans and supervision plans (as may be required) and requirements under the BO and its subsidiary regulations;
 - (d) supervising the works of RCs, such as making inspections, counter-checking RCs' works, counter-checking RCs' reports of site inspections, laboratory test reports and certification of completion of works;
 - (e) notifying BD on irregularities detected and implementing

rectifications as required; and

- (f) appointing and supervising Technically Competent Persons⁷ (“TCPs”) in accordance with Technical Memorandum for Supervision Plans 2009 (“TM”) at **BD/A/46A** issued⁸ under the BO for conducting site safety supervision and quality supervision to ensure building safety and quality of works.

13. RCs (who may be a body corporate, a partnership or a sole proprietorship) are required to possess the relevant qualifications, experience and competence, having proper management structure and access to plant and resources (in the case of a body corporate), and should pass interviews conducted by the relevant registration committees constituted under the BO before the BA may accept them to be registered under the BO. Generally speaking, RCs are responsible for the following duties:

- (a) carrying out building works;
- (b) performing continuous supervision of building works and ensuring the building works are carried out in accordance with approved plans and supervision plans (as may be required) and requirements under the BO and its subsidiary regulations;
- (c) supervising works, and arranging/conducting testing of building works/materials;
- (d) preparing plans, method statements, precautionary and

⁷ TCP means a person whose academic or professional qualifications or experience of building works or streets works satisfy the requirements set out in the TM and the Code of Practice for Site Supervision for a particular type of site supervision or management tasks. They are the qualified personnel who are appointed by PBPs and RCs for site supervision and management tasks as defined under the TM.

⁸ Issued by the Secretary for Development under section 39A of the BO.

- protective measures for temporary works as required;
- (e) certifying completion of works;
 - (f) notifying PBPs and BD on irregularities detected and implementing rectifications as required; and
 - (g) appointing and supervising TCPs in accordance with the TM issued under the BO for conducting site safety supervision and quality supervision to ensure building safety and quality of works.

Instruments governing standards and procedural requirements for building works

14. In addition to the provisions in the BO, there are 14 pieces of regulations under the BO which prescribe statutory technical standards and procedural requirements as follows:
- (a) B(A)R
 - (b) Building (Demolition Works) Regulations (Cap.123C)
 - (c) Building (Planning) Regulations (Cap.123F)
 - (d) Building (Private Streets and Access Roads) Regulations (Cap.123G)
 - (e) Building (Refuse Storage and Material Recovery Chambers and Refuse Chutes) Regulations (Cap.123H)
 - (f) Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap.123I)
 - (g) Building (Ventilating Systems) Regulations (Cap.123J)
 - (h) Building (Oil Storage Installations) Regulations (Cap.123K)
 - (i) Building (Appeal) Regulation (Cap.123L)
 - (j) Building (Energy Efficiency) Regulation (Cap.123M)
 - (k) Building (Minor Works) Regulation (Cap.123N)

(“B(MW)R”)

- (l) Building (Minor Works) (Fees) Regulation (Cap.123O)
- (m) Building (Inspection and Repair) Regulation (Cap.123P)
- (n) Building (Construction) Regulation (Cap.123Q)

15. In addition to the regulations, the BA issues various codes of practice, technical guidelines, design manuals, practice notes and circular letters. These documents serve as guidance for compliance with the BO and regulation requirements. Non-compliance may lead to disapproval of plans or sanctions under relevant provisions of the BO.

Control of different types of building works

16. Based on the different nature, scale, complexity and risk levels of building works, different mechanisms and procedures of control are administered to ensure the safety and quality of works.

Approval and consent

17. For new buildings, A&A and demolition works which are considered more extensive, complex and of higher risk, AP/RSE/RGE are required to prepare and submit plans to BD for prior approval and obtain the BA’s consent before commencement of works.
18. In addition to RGBC/RSC’s execution, supervision and certification of the works, AP/RSE/RGE are also required to supervise and certify the works in accordance with the BO. Such two tiers of control ensure that the RGBC/RSC would have duly

performed their duties and obligations with the check-and-balance by AP/RSE/RGE in place to secure compliance with the requirements and standards stipulated under the BO and to safeguard the safety and quality of the works.

19. Upon completion of a new building, the AP/RSE/RGEs and RGBC/RSCs should separately certify completion of the building in compliance with the provisions of the BO and in accordance with the approved plans and that the building is structurally safe. In discharging the “check the checker” function as the regulatory authority, BD will conduct on-site inspection to audit check the works against the approved plans and the BO requirements and vet the relevant test reports, certificates and documents. If BD finds the building is completed to his satisfaction in accordance with the BO, an occupation permit will be issued.

MWCS

20. For MW that are relatively smaller in scale, less complex and of lower risks, including repair of external walls, roofs and drainage pipes⁹, the works may follow the simplified procedures under the statutory MWCS system introduced in 2010¹⁰ without the need to obtain prior approval of plans and consent for commencement of works from BD. Since the implementation of MWCS, the number of MW submissions¹¹ have increased from about 35 000 to about 150 000 each year. The number of RMWC (who may be a body

⁹ Common MW items on repair works include item 1.17 [structural element and projection], item 2.17 [column, loading bearing wall, slab and beam], item 2.15 [non-structural external reinforced concrete wall], item 2.34 [rendering, tiles] and item 2.30 [aboveground drain].

¹⁰ Through the enactment of the Buildings (Amendment) Bill 2007 in 2008.

¹¹ Including submissions relating to notifications of commencement and completion of MW.

corporate, a partnership or a sole proprietorship)¹² is over 16 000. This reflects that the system has been gaining wide community acceptance.

21. There are currently 187 MW items. The works are classified into three Classes (i.e. I, II and III) depending on the scale, complexity and risk level.

(a) Class I (currently 58 items):

More complicated MW such as repair of roof finishes, repair of concrete projections, and removal of large-size unauthorised rooftop structures. The works have to be designed and supervised by a PBP and carried out by an RC. The PBP and RC should submit notifications, plans and documents to BD before commencement and after completion of works.

(b) Class II (currently 68 items):

MWs of lower complexity and safety risk, such as laying or repair of external wall rendering or wall tiles, repair of load bearing walls, and erection of medium-size signboards on external walls. The works have to be carried out by an RC, who should submit notifications, plans and documents to BD before commencement and after completion of works. No appointment of PBP is required for Class II MW.

(c) Class III (currently 61 items):

Mainly for common household MWs and being the lowest risk category, such as installation of supporting frames for air-conditioner units, drying racks and canopies. The works have

¹² While RMWC can carry out the MW items (with respect to class, type or item) for which it is registered, RGBC are eligible to carry out all MW items.

to be carried out by an RC who should submit notifications, plans/descriptions of works and documents to BD after completion of works. No appointment of PBP is required for Class III MW.

22. It should be noted that before the introduction of MWCS in 2010, there was no clear avenue under the BO to administer control over building repair works carried out by building owners, such as external wall repairs or drainage repairs. Plans of repair works were not prescribed plans under regulation 8 of the B(A)R and hence were not submitted to the BA, nor would the Government know if the repair works were carried out and supervised by an RC. The introduction of MWCS has put repair works under lawful control through the simplified requirement of MWCS, such that qualified PBPs and RCs have to submit notifications, plans and documents to the BD before commencement and/or after completion of repair works, carry out and supervise the works, and certify completion of the works in accordance with the BO.

Enforcement

Site audits of building works

23. BD regularly carries out inspections and audit checks to building works sites. Inspections and audit checks are conducted on a risk-basis, having regard to the complexity and risk level of the construction activities. High-risk activities require more frequent oversight, such as demolition works (inspection per 1-3 weeks) or piling works (inspection per 1-8 weeks). For superstructure works of new building and A&A works, inspections would be conducted

every 8-16 weeks.

24. During site audits for approved building works, BD would check the on-site documentation (e.g. approved plans, method statements), site supervision records, specific work requirements such as sequence of demolition works, ground settlement monitoring, shoring integrity, any malpractice or dangerous practice, contraventions of the BO, witness specific tests for foundation works, etc. BD also conduct in-situ rebound hammer tests for concrete strength and concrete cover meter tests for checking alignment of reinforcement. The main purpose of the site audits is to ensure the PBPs and RCs are duly performing their statutory duties and responsibilities in ensuring the works are carried out safely and in accordance with the BO.
25. For new building developments, BD would also conduct on-site inspection upon an application for occupation permit for a new building is received. BD will audit check the works against the approved plans and the BO requirements and vet the relevant test reports, certificates and documents submitted by AP/RSE/RGE and RC including their certifications of the performance of building materials for compliance with the BO.
26. Where in the opinion of the BA that any building works are being carried out in contravention of the BO, or building works that are being carried out are in dangerous conditions, the BA may serve a cease works order to the RC requiring cessation of the works. Where any building has been rendered dangerous or liable to become dangerous, the BA may serve an order requiring the owner of the building to carry out certain building works (e.g. repair

works) to make the building safe. In case the BA finds any dilapidation or defect in a building, he may serve an order requiring the owner of the building to carry out works or appoint an AP to carry out investigation and submit remedial works proposals.

27. MW are of relatively lower complexity and risk and audit checks are conducted for ensuring their compliance with the BO. An audit check comprises desktop study of the submitted documents and site audit check. The desktop study focuses on document and procedural compliance, which includes checking the completeness and consistency of the submitted information and whether the works shown in the submissions are in compliance with statutory requirements. Site audit check aims at ensuring that the MW comply with the BO and are in general the same as that shown in the prescribed plans and documents. If desktop study reveals possible non-compliance, site audit check by inspection will be carried out to identify if there is any irregularity. To provide a more objective sampling basis, BD has since 2023 adopted the ISO-2859-1 “Sampling Procedures for Inspection by Attributes” to guide the selection of MWs for audit checks. Submissions with reports/complaints from the public on suspected irregularities will also be subject to site audit checks in order to safeguard against possible non-compliance. In 2025, BD received 147 687 MW submissions, 5 104 submissions were selected for audit checks. The statistics on audit check of MW from 2021 to 2025 is listed below.

Year	Total number of MW submissions	Desktop Study Completed and Endorsed	Site Audit Check Completed and Endorsed
2021	150 534	3 287	314
2022	151 322	2 826	475
2023	146 831	3 459	1 607
2024	152 731	3 466	1 777
2025	147 687	2 729 ¹³	1 288 ¹³

Sanctions against non-compliance and malpractice

Prosecution

28. If contravention of the BO is identified, the persons responsible will be subject to prosecution under the BO. Examples include carrying out building works without approval and consent from the BA¹⁴; works carried out not up to standards (e.g. not in accordance with the approved plans, use of defective building materials or carrying out building works in dangerous manner¹⁵); or non-compliance with statutory orders¹⁶.
29. From 2021 to November 2025, a total of 758 summonses (111 cases) had been laid for offences relating to procedural non-compliance or substandard or dangerous building works (not including non-compliance with statutory orders) and 292 of such summonses (88 cases) were convicted. The highest fine imposed was \$400,000. In addition, one case resulted in a sentence of two months' imprisonment with sentence suspended for 36 months, while another case resulted in a sentence of 240 hours of

¹³ Some audit cases completed in 2025 have not yet been endorsed and counted in the table.

¹⁴ See section 40(1AA) of the BO.

¹⁵ See section 40(2A) of the BO.

¹⁶ See section 40(1B) & (1BA) of the BO.

community service. The typical offences included 43 cases for section 40(1AA) (any person carrying out building works without approval and consent from the BA), 23 cases for section 40(2B)(b) (any person directly concerned with the inspection or works who carries out or has carried out inspection or works, or authorises or permits or has authorised or permitted such inspection or works to be carried out, in such manner likely to cause a risk of injury to any persons or damage to any properties), 22 cases for section 40(2A)(c) (any person directly concerned with the inspection or works who knowingly misrepresents a material fact in any plan or document given to the BA) and 16 cases for section 40(2E) (RMWC or RSC who certifies or carries out MW belonging to a class, type or item for which he is not registered). A table listing out the offence provisions is at **BD/A/85**.

Disciplinary action

30. If PBPs or RCs are convicted of an offence relating to their professional duties or building works respectively, or have failed to discharge the duties or abide by the imposed requirements under the BO, or have been negligent or have misconducted themselves in a professional way or in building works, BD may instigate disciplinary action against them by referring the case to the relevant disciplinary board set up under the BO. If the disciplinary board is satisfied after inquiry that the subject PBP/RC has been convicted or has been negligent or has misconducted himself, it may order a permanent or temporary removal of the PBP/RC from the register, a reprimand, or impose a fine up to \$250,000.
31. From 2021 to November 2025, a total of 75 cases were referred to the disciplinary boards for disciplinary proceedings. The typical

charges included the RC having been convicted by the court of an offence related to building works or street works (35 cases), malpractice of qualified persons (“QP”) under the MWIS (19 cases), and misconduct or malpractice of RMWC such as carrying out MW belonging to a class for which he is not registered (13 cases). The heaviest fine imposed in total was \$423,000 (a RC laid with four charges). In another case, the Board ordered the RGBC to be removed from the register for 24 months.

De-registration

32. For PBPs, the BA keeps registers of AP, RSE, RGE and RI. Only the persons who have obtained the prescribed qualifications and recommended by the respective registration committee under the BO may be included in these registers.

33. If an AP/RSE/RGE/RI due to certain reasons fails to maintain his/her registration with the professional registration board, i.e. he/she is no longer a registered professional under the respective professional registration ordinance¹⁷ (e.g. he/she is expelled by the professional registration board), the BA will remove the person from the register under the BO and renewal of registration will not be granted due to his/her failure to meet the prescribed qualification for registration. From 2021 to November 2025, 141 PBPs were removed from the respective registers under the BO upon BD’s receipt of notifications from the professional registration boards that the subject PBPs were no longer registered professionals under their purview.

¹⁷ i.e. Architects Registration Ordinance (Cap. 408), Engineers Registration Ordinance (Cap. 409) and Surveyors Registration Ordinance (cap. 417).

34. Similarly, for RCs, the BA keeps three contractors' registers, namely the GBC register, the SC register and the MWC register. An application for inclusion in the register may be referred to a contractors registration committee ("**CRC**") for assessment of the qualifications and ability of applicant.
35. When substandard performance (e.g. happening of safety incidents, record of conviction/disciplinary action, suspension from tendering of public works or numerous convictions under the environmental related ordinances) is identified, while prosecution and/or disciplinary actions may have been taken or are being taken as described in paragraph 37 below, the BA may re-assess whether the RC is still suitable to be in the register for discharging the duties when they apply for renewal of their registration. The BA may seek advice from and refer the application for renewal to the registration committee. An application may be rejected if the BA is not satisfied that the RC is suitable to remain on the register.
36. From 2021 to November 2025, a total of 84 applications for renewal of RC were rejected due to substandard performance in relation to building safety, labour safety and environmental issues.
37. When BD receives reports or complaints against PBP or RC, BD will conduct investigation and take follow up action as necessary. If irregularities such as malpractice are identified, prosecution and/or disciplinary action may be initiated. For RC, the conviction and disciplinary records will be taken into account by BA in considering whether the contractor's renewal of registration should be accepted. For PBP, conviction or disciplinary records

(including those under the BO) may lead to actions by the professional registration board. As explained in paragraph 33 above, if the professional is expelled by the professional registration board, the BA will remove the person from the register under the BO without the need to wait until renewal of registration. Further details are explained in paragraphs 96 and 97 below.

Paragraph 1: Applicability of the BO to WFC

Building Control on Home Ownership Scheme (“HOS”) Developments

38. Pursuant to the BO, the planning, design and construction of private buildings are required to comply with the BO and its subsidiary regulations.
39. The Government has been providing public housing for Hong Kong residents since 1954. In 1972, the Government announced the “Ten-Year Housing Scheme” and in 1973 reorganised the various agencies originally responsible for public housing to establish the Hong Kong Housing Authority (“HA”) to promote the Government's public housing programme. The Housing Ordinance (Cap. 283) (“HO”) was enacted in 1973, which also amended the BO to exempt public housing buildings designed and constructed by HA from the application of the BO¹⁸.
40. With the introduction of HOS, section 18 of the HO was amended

¹⁸ The HO 1973 amended section 41 of BO, to the effect that the following buildings were then exempted from the provisions of BO, including –

(aa) buildings upon any land vested in the Housing Authority or over which the Housing Authority has control and management.

in 1978 to the effect that BO shall apply to any such HA buildings, if any part of the buildings were sold after the completion of construction¹⁹. Following the above, HOS buildings, once sold to private owners, are subject to the control of the BO.

41. Since WFC is an HOS estate, it 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. Hence, BD did not approve nor had any knowledge about the design and construction of the buildings of WFC. No occupation permit was issued by the BA under the BO for WFC. After WFC was sold to individual private owners, it came under the purview of the BO by virtue of section 18 of the HO. As to be explained in the ensuing paragraphs, WFC is a sold HOS estate regulated by the Independent Checking Unit (“**ICU**”) in accordance with the delegation under the BO.

Paragraph 2: Delegation of power to ICU

42. Since 1978, upon completion of construction of HOS buildings with completion certificates issued by the Housing Department (“**HD**”) and after the units were sold to private owners, such

¹⁹ Pursuant to section 18(2) of the HO (subsections (b) and (c) were introduced in the amended version of the HO in 1978), subject to subsection (3), BO shall not apply to any building—

- (a) to be constructed, or which is being constructed, by the Authority;
- (b) on land vested in or under the control and management of the Authority under section 5, 37 or 38; or
- (c) on land which is vested in the Authority and no part of which has been sold or otherwise disposed of under section 17A.

Pursuant to section 18(3) of the HO, BO, other than section 21 thereof, shall apply to any such building if, after its construction has been completed, any part of it is sold or otherwise disposed of under section 17A of the HO.

Corresponding amendment was made to section 41(1)(aa) of BO, to the effect that buildings upon any land vested in the HA or over which the HA has control and management shall be exempted from BO “subject to section 18(2) and (3) of the HO”.

buildings will be subject to the control of the BO. The control of these buildings was exercised by the then Buildings Ordinance Office (“**BOO**”, the former BD). However, BOO was not provided with as-built drawings of completed HOS blocks which had inhibited its enforcement of the BO. HA as the property manager however could rely on the powers derived from the Deed of Mutual Covenant (“**DMC**”) entered into by all flat owners at the time of purchase to exercise control on the residential portion of such buildings. At the same time, HD was also responsible for managing the non-residential portion of these estates retained and owned by HA under the land lease, such as car parks and/or commercial premises.

43. After the expiration of the transfer restriction period (i.e. private owners of HOS units may sell their units after the specified period from the date of signing the transfer deed from the HA to the owners), HA anticipated that a large number of HOS units would be resold, and therefore considered it necessary to strengthen the supervision and enforcement of illegal alteration works in HOS estates. In 1990, the Government began to work out how HOS buildings, particularly after any part of them were sold, could be controlled subject to the BO.

History of authorisation

44. In December 1990, a paper on “Control of HOS Buildings” was prepared for discussion within BOO. In the paper, it mentioned that *“HA has been very effective in keeping HOS buildings free from defects and unauthorised structures. In the unlikely event that certain remedial action becomes necessary ... HA will be able*

to deal comprehensively and more effectively if HA could also exercise the powers of the BA under the BO". Thus, it was recommended that HA be delegated with authority under section 2 of the BO to exercise BA's powers under sections 22, 23, 24, 25, 26, 27 and 28 of the BO in respect of sold HOS units. A copy of the discussion paper is at **BD/A/5**.

45. In June and July 1991, based on the recommendations as mentioned in paragraph 44 above, BOO proposed to HD that a team of experienced BOO officers to be seconded to HA to help achieve consistency in the interpretation of the BO. A copy of the memo dated 21 June 1991 from the then Director of Buildings and Lands ("**DBL**") to the then Director of Housing ("**DH**") and the memo dated 10 July 1991 from DH to DBL are at **BD/A/7** and **BD/A/8** respectively.
46. In February 1992, HD provided a draft paper to BOO recommending that HA would take up the control of sold HOS buildings under the BO by way of authorisation of authority under the BO, for a trial period of three years. It was endorsed by BOO on 17 February 1992. A copy of the memo dated 20 February 1992 from DBL to DH with the draft Building Committee paper is at **BD/A/9**.
47. On 1 June 1992, the then Secretary for Planning, Environment and Lands ("**SPEL**") gave his formal approval to the authorisation of authority under the BO for HD to exercise controls over sold HOS buildings. A copy of the memo dated 1 June 1992 from SPEL to the DH is at **BD/A/10**.

48. Pursuant to section 2(2) of the BO, since 1992 the then DBL started to authorise officers of HD to take up the duties and responsibilities on behalf of the BA to exercise building control over sold HOS buildings under the BO. The first authorisation instrument was issued on 25 June 1992 authorising certain officers of HD to act on behalf of the BA in matters arising from different provisions, including sections 22, 23, 24, 25, 26, 27, 28, 32A, 32B, 33 and 34 of the BO. A copy of the authorisation memo dated 25 June 1992 is at **BD/A/12**.
49. Subsequently, section 18(2)²⁰ of the HO was further amended in 1993, which is the same as current version.
50. A series of piling scandals incidents in the late 1990s triggered a reform by HA. To promote better construction quality for the public housing, HA issued a paper namely “Building Homes with Care” on 27 January 2000 for public consultation. At its meeting on 14 April 2000, HA approved a plan to implement 50 quality housing measures in two phases to enhance housing standards. To introduce independent third-party reviews of HA development projects, HD and the Government studied various options to apply relevant statutory standards under the BO into HA development projects. In November 2000, HD established ICU, which reported

²⁰ Section 18(2) of the HO (current version) reads:

“Subject to subsection (3), the BO shall not apply to any building—

(a) to be constructed, or which is being constructed, by the Authority;

(b) on land vested in or under the control and management of the Authority under section 5, 37 or 38; or

(c) on land which is vested in the Authority and no part of which has been sold or otherwise disposed of under section 17A. (Added 33 of 1978 s. 5. Amended 16 of 1993 s. 7)”

According to LegCo Brief (HD (CR)1/231 VIII), the 1993 amendment to section 18(2) was mainly to add a subsection (b) to clearly specify that the exemption from BO also covers buildings on land over which HA has control and management under vesting orders. It does not intend to change the scope of exemption but to align with the wording of BO.

directly to DH over the conduct of third-party reviews of HA projects.

51. The authorisation of HD under the BO to exercise building control for sold HOS buildings have since 2004 been redirected to officers of ICU. The first authorisation instrument involving officers of ICU was issued on 28 April 2004. Officers of ICU were authorised to act on behalf of the BA in matters arising from different provisions of the BO, including sections 22(1), 22(2), 23, 24, 24A, 24B, 25, 26, 26A, 27, 27A, 27C, 28, 29, 30, 31, 32A, 32B, 33 and 34 of the BO, and all matters arising under the BO in respect of minor A&A works. A copy of the authorisation instrument dated 28 April 2004 is at **BD/A/13**.
52. In March 2007, in line with BD's level of authorisation in processing plans, the authorisation of power of processing A&A plans was extended to all senior professional officers in ICU. A condition was imposed requiring the officers of ICU should have adequate experience in plan processing. It was explained in the cover memo that "adequate experience in plan processing" means "experience of 2 years or more in processing plan submissions under BO or under ICU's administrative building control system". A copy of the memo from DB to DH with the authorisation instrument dated 28 March 2007 is at **BD/A/13**.
53. With the full implementation of the MBIS and the MWIS on 30 June 2012, the authorisation instrument was updated on the same day by adding delegation of powers to ICU for the provisions relating to the MBIS and the MWIS, i.e. sections 30B, 30C, 40(1BE) and Schedule 7 of BO. A copy of the authorisation

instrument dated 30 June 2012 is at **BD/A/13**.

54. To underline its impartiality, ICU was detached from HD and placed under the direct control of the then Office of the Permanent Secretary for Transport and Housing (Housing) in 2015. Taking into account this organisational change amongst other things, the authorisation instrument was updated on 3 August 2015 and issued to officers of ICU. Officers of ICU were authorised to act on behalf of the BA in matters arising from different provisions of the BO, including sections 22(1), 23, 24, 24A, 24AA, 24B, 24C, 25, 26, 26A, 27, 27A, 27B, 27C, 28, 29, 29A, 30, 30B, 30C, 31, 32A, 32B, 33, 34, 36C, 36F, 36G, 36H, 40(1BE), 44, 51, 52 and 53 and Schedule 7 of the BO, and all sections of the Building (Appeal) Regulation, and all matters arising under the BO in respect of A&A works, and MW commenced under the simplified requirements. A copy of the authorisation instrument dated 3 August 2015 is at **BD/A/13**.
55. As a result of government re-organisation, the Housing Bureau has since 1 July 2022 been in charge of the housing portfolio. ICU continues to work and report to the Permanent Secretary which was renamed as the Permanent Secretary for Housing (“**PSH**”). The last authorisation to officers of ICU made before the WFC fire incident was signed by the DB on 12 December 2023. Officers of ICU were authorised to act on behalf of BA in matters arising from different provisions of BO, including sections 22(1), 23, 24, 24A, 24AA, 24B, 24C, 25, 26, 26A, 27, 27A, 27B, 27C, 28, 29, 29A, 30, 30B, 30C, 31, 32A, 32B, 33, 34, 36C, 36F, 36G, 36H, 40(1BE), 44, 51, 52 and 53, and Schedule 7 of the BO, and all sections of the Building (Appeal) Regulation, and all matters arising under the

BO in respect of A&A works, and MW commenced under the simplified requirements. Some provisions under the B(P)R regarding provision of natural lighting and ventilation to escape staircases and ancillary offices etc. were added in this latest authorisation such that the senior professional officers of ICU are authorised with power to grant modification/ exemption for these provisions under section 42 of the BO when processing plan submissions for A&A works. A copy of the authorisation instrument dated 12 December 2023 is at **BD/A/14**.

56. Basically, the scope, extent and nature of the powers and duties delegated by DB to the officers of ICU are the same as that delegated to the officers of BD in handling all matters in connection with building control of existing buildings, the MBIS, the MWIS and the MWCS, as performed by the Existing Buildings Divisions 1 & 2, Mandatory Building Inspection Division and Corporate Services Division of BD.
57. Apart from being staffed with senior professional officers seconded from BD to exercise building control over sold HOS buildings, the fact that (i) HA has all along been responsible for HOS design and construction (an area which is exempted from BO) and (ii) after such units are sold, HA has still retained roles in the management, maintenance and transfer of HOS units, has rendered ICU to be better suited to take up the statutory control functions. In this connection, it should be noted that:
 - (a) HA has been responsible for approval and supervision of the design and construction of all HOS and other subsidised housing projects, and keeps all relevant construction records.

BD has not been involved in the approval stage nor supervision on the design and construction stages, and does not have any relevant construction records of HOS and other HA's subsidised housing developments;

- (b) HA provides a 10-year structural safety guarantee (and 20-years for Tin Shui Wai area) for flats under HOS, Private Sector Participation Scheme, Tenants Purchase Scheme (“TPS”), Flat-for-Sale Scheme, and Green Form Subsidised Home Ownership Scheme;
- (c) HA as the DMC manager is empowered to manage the buildings by exercising powers conferred under the DMC, and such role shall be non-transferable during the period specified in the DMC;
- (d) HA retains partial undivided shares in some public housing estates as the owners of these shares and its rights would not be affected even when the DMC manager role is assigned to others; and
- (e) Individual HOS units should not be transferred or sold within a restricted period. During this period, owners may only sell directly to HA or through the HOS secondary market. Even upon the expiration of the restriction period, owners should pay land premium to HA before any transaction.

Memorandum of Understanding (“MOU”)

58. The piling scandals mentioned in paragraph 50 above also aroused

public's concerns about the design and construction of HA buildings not subject to the BO²¹ and the Office of Ombudsman ("OMB") launched an investigation on management of construction projects by HA/HD. In July 2008, the OMB suggested to the then Transport and Housing Bureau ("THB") to consider devising an administrative MOU between the BA and ICU, which, as far as we understand, was intended for HA/HD to commit administratively its adherence to BO requirements in the design and construction of all HA buildings. Hence the MOU takes on a scope much broader than sold HOS buildings that are regulated by ICU under BA's delegated authority. The roles of ICU under the MOU are not limited to exercising delegated authorities over sold HOS buildings but also include administrative building controls of HA buildings. The first MOU was signed between DH and DB on 26 June 2009 and has since been reviewed biennially. The latest version of MOU was signed on 1 July 2022 and reviewed in June 2024 (which considered that no amendment was required). A copy of the first MOU dated 26 June 2009 and the latest one dated 1 July 2022 are both at **BD/A/41**.

Paragraphs 3-4 and 10-12: BD's role over ICU's delegated duties

59. This part explains BD's role over ICU's delegated duties. Established mechanism between BD and ICU has been in place to ensure that ICU is fully conversant with the policies, standards and practices of BD which would be updated from time to time and that ICU exercises statutory building control for sold HOS buildings in line with the prevailing policies, standards and

²¹ Under HO, the design and construction of HA buildings including public rental units and HOS units are exempted from BO. As discussed in paragraphs 38-41 above, only after the HOS units have been sold would they come under the BO controls.

practices of BD.

60. For example, as mentioned in paragraph 3.2 of the MOU dated 1 July 2022, BD will oversee ICU's delegated duties by receiving six-monthly reports. A typical report would cover: (i) update on the portfolio of buildings/premises under the statutory control of ICU; (ii) actual work done by the respective teams under ICU during the period covered in the report; (iii) general matters including emergency services, complaints and enquiries referred by Ombudsman and prosecution and appeal; and (iv) non-routine matters like training. The report seeks to provide BD with an overview of the delegated duties carried out by the respective teams of ICU. Since 2009, a management level liaison meeting between Head(ICU) and the Deputy Director of BD and their teams has been held at a half-year interval where both sides would discuss the six-monthly report. While the six-monthly report and management level liaison meeting are not expected to go down to details of each and every individual cases under ICU's delegated duties, cases worthy of BD's attention or in need of BD's advice can be brought up for discussion with a view to upholding ICU's performance to be in line with the policies, standards and practices of BD. A copy of the reports from 2016 onwards until the latest draft report No. 42 are at **BD/C/1**.
61. Apart from the said management level meeting, BD and ICU maintain close communications by holding various working level meetings on regular basis to keep ICU abreast of BD's latest policies, standards and practices in enforcing the BO relevant to ICU's delegated duties. These include, (i) meetings between MBIS Team of ICU and Mandatory Building Inspection Sections

of BD (the “**MBIS Liaison Meeting**”), (ii) meetings between Minor Works Team of ICU and Minor Works Unit of BD (the “**MWCS Liaison Meeting**”) and (iii) Sectional Meetings of Section A of Existing Buildings Division 1 of BD attended by Senior Building Surveyor/Building Control (“**SBS/BC**”) who is seconded to ICU from BD.

62. The MBIS Liaison Meeting serves as a platform for both BD and ICU to discuss and address various aspects of the implementation of MBIS/MWIS and ongoing development. Various topics will be discussed in the meeting including BD’s latest development and implementation on MBIS/MWIS; recent changes in policies, standards and practices, operations, standard letters and manual instructions in BD; and sharing of experience or difficulties encountered during implementation process. Copies of the meeting notes since 2016 are at **BD/C/7**.
63. The purpose of the MWCS Liaison Meeting is to align the policies, standards and practices of ICU with that of BD in exercising the building control under MWCS. Various topics will be discussed including the use of computer system i.e. Minor Works Management System for better monitoring, conducting audit checks, prosecution and disciplinary actions on MW, requirements under the BO and regulations, disposal of documents as well as sharing of difficult cases. Copies of the meeting notes since 2016 are at **BD/C/6**.
64. SBS/BC is invited to attend Sectional Meetings of Section A of Existing Buildings Division 1 at regular intervals so that he/she can be kept abreast of the updated policies, standards and practices

of the Existing Buildings Divisions of BD in controlling existing building safety matters and help enhance communication with ICU. Copies of the meeting notes since 2016 are at **BD/C/8**.

65. Since the setup of the Building Sub-Committee (“**BSC**”) of the Land and Building Advisory Committee (“**LDAC**”) in 1990²², a representative from HD (and ICU afterwards) has been a member of the BSC. Currently, Head/ICU is one of the members of the BSC. ICU is also kept informed on any policies, standards, practices and legislation in respect of the building control under BO via circulation of BSC papers and discussions in quarterly BSC meetings. A copy of the Terms of Reference and composition of the BSC in 1990 and the present term are at **BD/A/6** and **BD/A/7** respectively.
66. All the above venues enable officers of ICU to bring up matters of concerns and/or seek clarifications in relation to application and interpretation of the BO and BD’s policies, standards and practices in regulating building works and exercising control over existing buildings under the MBIS/MWIS and MWCS in order to duly carry out its delegated duties under the BO. As recorded in all the above meeting notes, BD was given to know that ICU has been following the BO and BD’s policies, standards and practices in exercising its delegated duties. Specific cases were raised in these meetings for experience sharing or seeking BD’s advice. BD

²² LDAC is to advise the Government on (a) policies and procedures in relation to planning, land and buildings matters; (b) specific development proposals and projects initiated by non-governmental organisations or private sector proponents which carry broader economic or social merits; (c) policies, measures and specific development proposals conducive to Energizing Kowloon East; and (d) any other development matters in relation to (a) to (c). BSC is one of the Sub-Committees under LDAC.

The main function of BSC is to consider and recommend changes to building policies, procedures, legislation and report such reviews and recommendations to LDAC.

endeavours to provide advice and clarifications in respect of the BO for ICU's handling of the cases.

Paragraphs 5-7: Secondment of BD officers to ICU

67. This part explains the history, function and role of BD staff seconded to ICU. Since 1998, BD has seconded a senior building surveyor (i.e. SBS/BC) to HD to assist HD's officers in performing their building control duties in HOS and TPS estates under the delegated authority. A copy of BD Instruction 4.11 issued at that time is at **BD/A/24**.
68. Upon establishment of ICU in 2000, HD sought BD's assistance in providing training and technical support in the setting-up and operation of ICU. In this regard, BD has since then seconded two senior professional officers, Senior Building Surveyor/Advisory ("**SBS/Adv**") and Senior Structural Engineer/Advisory ("**SSE/Adv**") to provide training and technical support to ICU, including, among others, to provide inputs on the application of BO, seek support from BD on consistent interpretation of statutory requirements and provide training for HD's officers in the application of the BO. A copy of memo dated 27 July 2000 from DH to DB is at **BD/A/27**.
69. Following the above arrangements, there are currently three senior professional officers from BD seconded to ICU, who are SBS/Adv, SSE/Adv and SBS/BC. Their roles and duties are briefly described in paragraph 11 of BD Instruction 3.27 "Working Relationship with Staff Seconded to Other Bureau/Departments", a copy of which is at **BD/A/37**. In gist, as staff members of ICU:

- (a) SBS/BC administers building control on existing buildings including HOS/TPS buildings and properties developed by HA that have been sold or divested, under the delegated authority from DB, and provides inputs on building control matters concerning existing buildings;
- (b) SBS/Adv provides inputs on matters concerning plan processing, licensing and such other issues related to building control; and
- (b) SSE/Adv provides inputs on matters concerning the processing of structural plans and submissions and such other structural related matters.

It should be noted that amongst the three seconded officers, SBS/BC with existing buildings being his/her core portfolio provides inputs to ICU concerning discharge of delegated duties, while SBS/Adv and SSE/Adv provide inputs on the design and construction of new buildings that are subject to ICU's administrative building controls under MOU.

70. To ensure standards, practices and procedures adopted by ICU are in line with BD's, SBS/BC, SBS/Adv and SSE/Adv regularly disseminate updated guidelines, instructions and practice notes and relevant information from BD for ICU officers to adopt. ICU officers can seek clarifications or advice from these seconded officers as necessary on the interpretations of these documents. The dissemination channel is detailed at **BD/A/87**.

71. The senior professional officers of BD seconded to ICU are experienced BD officers nominated by the respective grade managers of BD. The name, number and rank of these officers are tabulated below:

	SBS/BC Post	From	To
1.	WONG Kam-sing	25.5.1998	29.10.2001
2.	CHAU NG Yuen-ching	30.10.2001	24.7.2007
3.	CHUN Ka-hung, Ray	3.9.2007	31.5.2012
4.	WAT Ngai-kwong, Arthur	1.6.2012	30.11.2015
5.	TONG Fung-ling, Fiona	1.12.2015	23.6.2019
6.	WONG Wing-chi, Vickie	24.6.2019	24.4.2023
7.	TSE Kam-ming, Franco	25.4.2023	6.7.2025
8.	WONG Cheuk-ki, Eric	7.7.2025	To date

	SBS/Adv Post	From	To
1.	TANG Hoi-kwan, Edwin	20.11.2000	3.10.2004
2.	TSE Kwok-hung, Steven	4.10.2004	6.9.2009
3.	SO Tsang-chuen, Chris	7.9.2009	31.8.2013
4.	KOT Hon-tak	2.9.2013	24.11.2016
5.	HUNG Chi-kin, Freddy	25.11.2016	10.9.2021
6.	WONG Wai-man, Raymond	11.9.2021	5.2.2023
7.	YIM Yuen-ling, Monika	6.2.2023	To date

	SSE/Adv Post	From	To
1.	KWAN Kim-ching	11.2000	28.6.2004
2.	LAW Kam-sheung	29.6.2004	29.11.2009
3.	KWOK Chi-tak	30.11.2009	13.2.2013
4.	TANG Kwok-kuen	14.2.2013	26.1.2016
5.	PUN Chi-cheung	27.1.2016	28.6.2017
6.	WONG Cheung-kin	29.6.2017	11.7.2021
7.	WONG Siu-pong	12.7.2021	7.1.2025
8.	CHAU Yu-hong	8.1.2025	To date

72. SBS/BC and SBS/Adv are under the direct supervision of Chief Maintenance Surveyor/ICU (“CMS/ICU”), who reports to Head(ICU) and SSE/Adv is under the direct supervision of Chief Structural Engineer/ICU (“CSE/ICU”), who also reports to Head(ICU). BD seconded officers’ performance during the period of secondment will be appraised by their respective direct supervisors in ICU. The professional and technical officers of BD and ICU are holders of the same level of professional and technical qualifications and competence to enforce building control in accordance with the provisions and safety standards stipulated in the BO.
73. The major job duties of these three officers seconded to ICU are listed below:

Major job duties of SBS/BC

- (a) Advising on BO matters and BD practices related to building control of existing buildings.
- (b) Dissemination of updated guidelines, practice notes and relevant information from BD.
- (c) Providing 24-hours emergency services and attend emergency shift duty during typhoon, inclement weather or other major emergencies.
- (d) Arranging enforcement control of unauthorised building works, dangerous building and drainage works under BO.
- (e) Coordinating and preparing annual budget and expenditure forecast.
- (f) Coordinating responses to the enquiries raised by the general public and other stakeholders

Major job duties of SBS/Adv

- (a) Advising on BO matters and BD practices related to plan processing and licensing.
- (b) Dissemination of updated guidelines, practice notes and relevant information from BD.
- (c) Advising on the acceptance of proposed modifications.
- (d) Referral of cases and enquires to BD, when necessary.
- (e) Supervising the processing of licensing referrals under Education Ordinance and Places of Public Entertainment Ordinance.
- (f) Review and advise on A&A submissions.

Major job duties of SSE/Adv

- (a) To provide expert advice on the application of BO including the alignment of practices and procedure to BO standard for structural works.
- (b) To seek support from BD on consistent interpretation of statutory requirements in case contentions issues arise and in specific matters that cannot be resolved within the office framework.
- (c) To channel updated guidelines and practice notes from BD on interpretation of the BO to HD.
- (d) To assist in providing training for engineering professional and technical staff in the application of BO and its associated changes made from time to time.
- (e) To provide independent advice to offer comments for project enquires and advise project teams on matters related to statue compliance.

- (f) To advise/endorse SE/ICU and SSE/ICU's recommendations for approval, consent and completion of new A&A works under BO and allied regulations.
 - (g) To scrutinise/ advise/ endorse SE/ICU and SSE/ICU's recommendations on unauthorised building works, repair of existing buildings and licensing under BO and allied regulations.
74. Through discussion of the six-monthly reports and exchanges at various liaison meetings, as well as with BD officers seconded to ICU working as part of its team, BD has been supporting ICU in discharging its delegated duties and upholding its performance in line with the policies, standards and practices of BD and in accordance with the BO.

Paragraphs 8-9 and 13 on BD's roles and involvement in WFC and audit checks on ICU in relation to WFC

75. There is no record kept by BD indicating that the officers of BD seconded to ICU were responsible for the vetting of the inspection reports and method statement submitted by Will Power Architects Company Limited ("WP"), as well as providing advice on the case of WFC, which is regulated by ICU.
76. As the above officers were seconded to ICU under the direct supervision of CMS/ICU and CSE/ICU, ICU should be in the position to advise if the secondees were involved in the vetting of the inspection reports and method statement submitted by WP, as well as providing advice on processing the case of WFC.

77. BD has no record of providing advice to ICU on plan processing of WFC.
78. 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 23**. These reports, complaints and enquiries cover building defects such as spalled concrete, malpractice of the management office, suspected bid rigging of the renovation tender, and the performance of the renovation contractor Prestige Construction & Engineering Co., Limited (“**PC&E**”). Except for the enquiries concerning the registration status of PC&E, which were replied by BD, all the remaining reports, enquiries and complaints related to WFC were referred to ICU for their follow up action.
79. The six-monthly reports from ICU so far has not mentioned the WFC Renovation. Nor has WFC been raised in other above-mentioned liaison meetings between BD and ICU.

Paragraph 14: Referral by ICU to BD for prosecution and disciplinary actions

80. According to BD’s record, no prosecution cases were referred from ICU to BD before 2006. Between 2006 to 2025, ICU has referred 852 cases to BD for prosecution. A total of 1 064 summonses have been issued by BD and details of summonses

issued under various BO offences are presented in **BD/C/2**. Below is a summary of the summonses issued upon referral from ICU:

Year	Routine²³ Prosecution Cases Referred from ICU	Non-routine²⁴ Prosecution Cases Referred from ICU	Total Prosecution Cases Referred from ICU
2006	11	0	11
2007	9	0	9
2008	24	0	24
2009	39	0	39
2010	39	0	39
2011	60	0	60
2012	42	0	42
2013	24	0	24
2014	73	0	73
2015	60	0	60
2016	47	3	50
2017	65	3	68
2018	32	5	37
2019	48	3	51
2020	52	1	53
2021	42	0	44
2022	21	2	22
2023	62	1	62
2024	14	4	18
2025	66	0	66
Total	830	22	852

²³ Prosecution for non-compliance of statutory orders under s.24, s.28, s30B and s.30C of BO, which are non-compliance with statutory orders and notices.

²⁴ Prosecution for contravening of sections 40(1AA), 40(1AB), 40(2A)(ba), 40(2A)(c), 40(2B)(b), 40(2E) and 40(2I) of BO and section 58 of B(MW)R. Examples of non-compliance include carrying out building works without approval and consent from the BA, misrepresentation of a material fact in a certificate and RMWC carries out MW which he is not registered for.

81. No disciplinary cases were referred from ICU to BD before 2023. Between 2023 to 2025, ICU has referred a total of five cases to BD for disciplinary actions as tabulated below:

Year	Disciplinary Cases Referred from ICU
2023	2
2024	0
2025	3
Total	5

82. Actions taken by BD for the abovementioned five cases for disciplinary actions are illustrated below:

Nature	Date of Case Received by BD	Date of Serving Charge Notice	Date of Hearing	Remarks
Misconduct of RMWC and its Authorized Signatory (“AS”) in building works	10.1.2023	26.5.2025	29.4.2026	Pending hearing
Misconduct of RMWC in building works	10.8.2023	22.1.2024	23.12.2024	The contractor was sentenced a 6-month suspension from certifying or carrying out MWs, and fined HK\$40,000 in total
Misconduct of registered general building	28.1.2025	N/A	N/A	Case was dropped on 25.7.2025 after

contractor and its AS in building works				obtaining DoJ's advice
Conviction of RMWC in buildings works	27.3.2025	20.10.2025	Pending	Pending formation of disciplinary board
Conviction of RMWC in buildings works	7.4.2025	20.10.2025	Pending	Pending formation of disciplinary board

83. No referrals for prosecution or disciplinary action have been made by ICU to BD in the case of WFC so far.

Part II – BD’s Supervision of RIs and RCs

Paragraphs 17-25: Registration of RI and RC

Registration procedure of RI

84. Individuals seeking to be included in the RI register, should possess the prescribed qualifications, i.e. being a registered professional under the relevant professional registration ordinance as required under regulation 3(4B), (4C) or (4D) of the B(A)R (please see paragraph 88 below), and the relevant practical experience as required under regulation 3(8), (9) or (10) of the B(A)R (please see paragraph 89 below).

85. For applicants who are not AP or RSE, they are required to attend an interview conducted by the Inspectors Registration Committee (“IRC”) under section 3(5CB) of the BO. The IRC performs its

function under section 3(5A) of the BO by examining the qualifications and experience of the applicants; conducting interviews with the applicants; and advising the BA to accept, defer or reject the applications for inclusion in the register.

86. The BA will accept the applicant only if so recommended by the IRC, and on payment by the applicant of the prescribed fee for registration, enter the applicant's name in the RI register, publish it in the gazette and issue a certificate of registration. Otherwise the BA may refuse or defer the application.
87. For applicants who are AP or RSE having practical experience gained in Hong Kong in any building repair and maintenance projects within the seven years preceding the date of application as described in regulation 3(8) of the B(A)R, the BA will accept the applicants to be included in the RI register in accordance with section 3(7AA)(a) of the BO. Interview by the IRC is not required. Upon payment by the applicant of the prescribed fee for registration, the BA will enter the applicant's name in the RI register, publish it in the gazette and issue a certificate of registration.

Eligibility for registration as RI

88. Under regulation 3 of the B(A)R, the following qualifications are required for registration as an RI:
 - (a) An AP;
 - (b) An RSE;
 - (c) A Registered Architect (RA);

- (d) A Registered Professional Engineer (RPE) in building, structural, civil, building services (building), or materials (building) engineering discipline; or
 - (e) A Registered Professional Surveyor (RPS) in building surveying or quantity surveying division.
89. Under regulation 3 of the B(A)R, the following practical experience is required for registration as an RI:
- (a) For AP or RSE, have appropriate practical experience in Hong Kong on building repair and maintenance projects within the seven years preceding the application;
 - (b) For RA or RPE (in building or structural engineering disciplines) or RPS (in building surveying), have a minimum of one year of practical experience in building construction, repair and maintenance in Hong Kong within three years prior to the application, as considered appropriate by the IRC; and
 - (c) For RPE (in civil, building services (building), or materials (building) engineering) or RPS (in quantity surveying), have a minimum of three years of practical experience in building construction, repair and maintenance in Hong Kong, with at least one year within the three years preceding the application, as deemed appropriate by the IRC.

Vetting of information submitted by the applicants

90. Before the IRC interviews, BD will confirm with the relevant professional registration boards that the applicants are currently listed on their register.

Validity and renewal of registration of RI

91. The registration for RI is valid for five years. To retain the name in the register (i.e. to renew registration), the RI must make submission as per section 3(9B) and (9C) of the BO. The renewal application submitted beyond the time limit (not earlier than four months and not later than 28 days before the expiry date of the registration) specified in section 3(9C)(b) of the BO will not be accepted.
92. The BA shall refuse applications under section 3(9B) of the BO unless the applicant possesses the necessary qualifications for registration as an RI, according to section 3(9D) of the BO.

Removal of RI from register

93. Under section 3(11) of the BO, an RI may be removed from the register if he/she:
 - (a) is deceased; or
 - (b) is not practising the profession in respect of which the name of that person was included in the register.
94. Under section 3(11A) and (11B) of the BO, an RI shall be removed from the register if the BA:
 - (a) does not receive an application for renewal;
 - (b) has refused the application for renewal; or
 - (c) received notice that the RI has ceased to hold the prescribed qualifications by the virtue of which he was registered.
95. For disciplinary case, the name of an RI may be removed from the register, either permanently or for such period as the

disciplinary board thinks fit under section 7(2)(aa) of the BO.

Criminal conviction of RI

96. A conviction by any court for an offence related to building works, either under the BO or referred from other departments, may lead to disciplinary actions under the BO. If the disciplinary board set up under the BO finds the charge sustained, the RI will be imposed with sanction under section 7(2) of the BO. On the other hand, a conviction leading to professional disrepute may lead to disciplinary actions by the professional registration board under the respective registration ordinance. If the RI lost the prescribed qualification as a result, the BA shall remove the RI from the register or refuse the RI's application for retention or restoration of registration, as the case may be.
97. It has been put in place an alert mechanism that the Architects Registration Board, Engineers Registration Board and Surveyor Registration Board would notify BD if any of the registered professional is removed from their register for whatever reason, including disciplined due to criminal offence. The BA will remove the concerned professional from the register pursuant to section 3(11B) of the BO.

Registration Procedure of RC

98. Under section 8A of the BO, there are three contractors' registers, namely the RGBC register, the RSC register and the RMWC register, being kept by the BA.

99. Applicants for inclusion in the register of RGBC or RSC are required to submit the required documents²⁵ to the BA for consideration. BD will check whether the documents submitted are in order or not.
100. Applicants are required to attend an interview conducted by the CRC. The CRC will perform their function by examining the qualifications and experience of the applicants; conducting interviews with the key personnel of applicants (i.e. the AS and technical director (“TD”)); and advising the BA to accept, defer or reject the applications for inclusion in the register.
101. The BA will accept the applicant only if so recommended by the CRC, and on payment by the applicant of the prescribed fee for registration, enter the applicant’s name in the RGBC or RSC register, publish it in the Gazette and issue a certificate of registration. Otherwise, the BA may refuse or defer the applications.
102. Applicants for inclusion in the register of RMWC may apply for registration in respect of the relevant class, type or item²⁶ of MW and may choose to register as RMWC(Individual) or RMWC(Company). They are also required to submit the required documents to the BA for consideration.
103. Applicants for RMWC(Individual) may apply for registration for one or more Class III MW items. The BA will examine the

²⁵ The documents are listed in paragraph 1(a) to (g) of Appendix I to Practice Notes to Registered Contractors (PNRC) 38 at **BD/A/22**.

²⁶ A RMWC(Individual) may register for the carrying out of individual Class III MW items. A RMWC(Company) may register for carrying out different classes or types of MW.

qualifications and experience of the applicants. If the BA accepts the application, upon payment by the applicant of the prescribed fee for registration, the BA will enter the applicant's name in the RMWC(Individual) register, publish it in the Gazette, and issue a certificate of registration. Otherwise, the BA may refuse or defer the applications.

104. For Class II and Class III RMWC(Company), the BA would assess the suitability²⁷ of the applicant. If the BA accepts the application, upon payment by the applicant of the prescribed fee for registration, the BA will enter the applicant's name in the Class II or III RMWC(Company) register, publish it in the Gazette, and issue a certificate of registration. Otherwise, the BA may refuse or defer the applications.
105. For Class I RMWC(Company), applicants are required to attend an interview conducted by the Minor Works Contractors Registration Committees (“MWCRC”). The MWCRC will perform their function by examining the qualifications and experience of the applicants, conducting interview²⁸ with the AS and advising the BA to accept, defer or reject applications for inclusion in the register. The BA will accept the applicant only if so recommended by the MWCRC and on payment by the applicant of the prescribed fee for registration, enter the applicant's name in the Class I RMWC(Company) register, publish it in the Gazette and issue a certificate of registration. Otherwise, the BA may refuse or defer the applications.

²⁷ The aspects to be assessed are outlined in paragraphs 2 & 3 of Appendix C to PNRC 69 at **BD/A/42**.

²⁸ The aspects and scope of assessment by MWCRC are listed in para 3 to 7 of Appendix N to PNRC 69.

Eligibility for registration as RC

106. Under section 8B(2) of the BO, an applicant for registration as an RGBC or RSC must satisfy the BA on the following aspects:
- (a) If it is a corporation, the adequacy of its management structure;
 - (b) The appropriate experience and qualifications of its personnel;
 - (c) Its ability to have access to plant and resources; and
 - (d) The ability of the person appointed to act for the applicant for the purpose of the BO to understand building works and street works through relevant experience and a general knowledge of the basic statutory requirements.
107. Under section 11(2) of the B(MW)R, the person who intends to register himself as an RMWC(Individual) must satisfy the BA on the following aspects:
- (a) The appropriate qualifications and experience;
 - (b) The ability and skills to personally carry out the item or items of Class III MW for which the registration relates;
 - (c) Completion of a recognised training course on Class III MW; and
 - (d) The applicant is suitable for registration in the register.
108. Under section 12(5) of the B(MW)R, an applicant for registration as an RMWC(Company) must satisfy the BA on the following aspects:
- (a) The appropriate experience and qualifications of its key personnel;
 - (b) It has access to plants and resources;

- (c) If it is a corporation, its management structure is adequate;
- (d) The ability of the person appointed to act for the applicant for the purpose of the BO to understand the minor works under application through relevant experience and a general knowledge of the basic statutory requirements; and
- (e) The applicant is suitable for registration in the register.

Vetting of information submitted by the applicants

109. For RC, the records of conviction/ disciplinary/ suspension from tendering for public works of relevant departments such as HD and the Development Bureau (“**DEVB**”) would be recorded in the BD data base. The contractor when submitting a registration application to BD should declare in specified form such conviction/ disciplinary/ suspension records. Upon receiving a registration application from an applicant, BD would retrieve such records covering three years preceding the application date or the current registration period preceding the date of submission of the renewal application. This retrieval process also includes any past interview or assessment records from the Registration Committee. Previous failures related to non-performance items will be reviewed during the relevant registration committees meetings. The criteria for such records to be considered by the registration committees are detailed in PNR 38 and 69 (see **BD/A/22 and BD/A/42**).
110. Experience in building industry should be substantiated by project details and endorsed by the employers concerned or the AP/RSE/RC/government architects, engineers or surveyors of the projects. If the person was self-employed, other documentary

justification, e.g. specified forms under the BO or contract documents, may also be acceptable.

Validity and renewal of registration of RC

111. The validity period of registration of RGBC and RSC is three years. Under section 8C(2)(c) of the BO, the contractor should apply for renewal of registration not earlier than four months and not later than 28 days prior to the date of expiry of the registration along with the required documents. Otherwise, the application for renewal of registration will not be accepted under section 8C(6)(a).

112. In general, an application for renewal of registration will be accepted if the contractor submits the required documents within the specified period as stipulated in section 8C(2)(c) of the BO and he has no records of convictions, disciplinary actions or suspensions for public works projects related to building works within the specified period. To serve as the gatekeeper to uphold competency of RC during the renewal of registration, BD will refer the renewal application to CRC should the RC be involved in convictions, disciplinary actions or suspensions for public works projects. The AS and/or TD of RC would be referred to the CRC for interview and assessment. BD may refuse the application for renewal of registration under section 8C(5) of the BO if after taking into account CRC's advice he is satisfied that the RC is no longer suitable (for any reason) for registration. Alternatively, BD may accept the renewal application under section 8C(7) of the BO. Details on requirements and processing of renewal applications are stipulated in Appendix J to PNRC 38

(see **BD/A/22**).

113. Under section 14(2)(c) of the B(MW)R, a RMWC(Company) or an RMWC(Individual) should apply to the BA for renewal of registration not earlier than four months and not later than 28 days prior to the date of expiry of the registration along with the required documents. Otherwise, the application for renewal of registration will not be accepted under section 15(2)(b)/(c) or 15(2B)(b)/(c) of the B(MW)R.
114. In general, an application for renewal of registration will be accepted if the applicant submits the required documents within the specified period as stipulated in section 14(2)(c) of the B(MW)R and the applicant is not involved in convictions, disciplinary actions or suspensions for public works projects related to building works. If the applicant has such record, the BA may seek the advice of the MWCRC on the application. The AS and/or TD would be referred to the MWCRC for interview and assessment.
115. Having taken the advice of the MWCRC, the BA may accept the renewal application under section 15(2)(a)/(b) or (2B)(a)/(b) of the B(MW)R or refuse an application for renewal of registration under section 15(2)(b)/(c) or (2B)(b)/(c) of the B(MW)R.
116. Detailed requirements on renewal application of an RMWC are stipulated in Appendices D, J and O to PNRC 69 (see **BD/A/42**).

Removal of RC from register

117. The BA may remove from the register the name of an RGBC or an RSC under section 8A(4)(a) and (b), who ceases, for any reason, to engage in the business of building/street works or specialized works; or in case of an RMWC, under section 8A(4)(c) of the BO, who ceases, for any reason, to engage in the business of MW the RMWC is registered for.
118. Under section 8C(6A) of the BO in case of an RGBC, and under section 17(1) of the B(MW)R, the BA shall remove the name of a person from a register if the BA:
- (a) does not receive an application for renewal; or
 - (b) has refused the application for renewal.
119. For disciplinary case, the name of an RGBC, an RSC or an RMWC or the name of its director, officer, person appointed to act for it in case of body corporate or partner in case of partnership, may be removed from the register, either permanently or for such period as the disciplinary board thinks fit under section 13(4)(a) of the BO.
120. Different sections of BD and relevant departments such as HD, ICU and the Works Branch of DEVB will be notified of the removal of the name of any professional or contractor from the register under the BO. This notification mechanism ensures that appropriate follow-up actions arising from such removal can be taken by the relevant BD sections and/or other departments.

Criminal conviction of RC

121. As stipulated in Appendix M to PNRC 38 (see **BD/A/22**) and

Appendix M to PNRC 69 (see **BD/A/42**), the contractor and their key personnel shall declare in standard forms their conviction/disciplinary/suspension records covering three years preceding the date of the application for registration or the current registration period preceding the date of submission of the renewal application. BD will take into account such records when processing applications for inclusion, renewal and restoration. The records cover:

- (a) conviction / disciplinary action under the BO;
- (b) conviction on labour safety offences under the ordinances and regulations administered by the Commissioner for Labour, such as Factories and Industrial Undertakings Ordinance (Cap. 59) and Occupational Safety and Health Ordinance (Cap. 509). However, non-building works related labour safety offences, e.g. failure to ensure the wearing of safety helmet and the use of goggles, will not be taken into consideration;
- (c) suspension from tendering for public works by DEVB, HA or their related departments. The reasons of the suspension should also be provided. In general, only reasons which infer deficiencies of the contractors in technical competence and management ability, and reasons related to standard of works, misconduct and site safety will be taken into consideration;
- (d) conviction leading to imprisonment for malpractice or misconduct in building works or construction related activities;
- (e) conviction under section 27(3) of the Public Health and Municipal Services Ordinance (Cap. 132) concerning the control of water likely to contain larvae or pupae of

mosquitoes; and

- (f) conviction on environmental offences under the ordinances and regulations administered by the Director of Environmental Protection, such as the Air Pollution Control Ordinance (Cap. 311), the Noise Control Ordinance (Cap. 400), the Waste Disposal Ordinance (Cap. 354), the Water Pollution Control Ordinance (Cap. 358), the Dumping at Sea Ordinance (Cap. 466), the Ozone Layer Protection Ordinance (Cap. 403) and the Environmental Impact Assessment Ordinance (Cap. 499).

122. Following a serious site incident of the collapse of a tower crane at a site at Anderson Road in September 2022, with a view to strengthening the regulation of RCs, BD will also consider referring an RC application to the CRC for interviews and assessment when an RC is involved in serious labour safety incidents at a construction site, regardless of whether the RC has been convicted or not. The relevant press release issued by DEVB on 15 December 2022 is at **BD/C/9**.

Statistics of RI and RC

123. BD has no knowledge regarding the number of individuals eligible for registration as RI or RC. The numbers of RI and RC and changes in these numbers over time in the past five years are listed in the table below:

	31.12.2021	31.12.2022	31.12.2023	31.12.2024	31.12.2025
RI	585	584	590	614	632
RGBC	780	810	828	810	827

RSC(D)²⁹	114	122	119	112	110
RSC(F)³⁰	149	155	160	164	160
RSC(GI)³¹	50	52	53	56	54
RSC(SF)³²	205	209	212	208	212
RSC(V)³³	181	184	191	191	195
RMWC(Co)³⁴	10 196	10 001	9 913	9 286	8 958
RMWC(Ind)³⁵	7 972	7 930	7 319	7 306	7 369

124. BD has not collected any information on the monetary value of the contracts of inspections and renovation works undertaken by RI and RC nor the level of fees charged by RI. Nevertheless, BD is working on revising the data collection system so that RIs may report the fees and total cost.
125. BD does not maintain any “whitelist” of inspectors, consultants or contractors for public’s reference. When complaints against RI and RC are received, BD will take follow up actions and investigate and if any irregularities are identified, prosecution and/or disciplinary actions may be taken as necessary as discussed in paragraphs 28 to 31 and 37 above.

Registration of RI, NG Yeuk

126. Under the BO, the registration of PBPs does not cover consultant firms and all AP, RSE, RGE and RI are registered in person. As advised by ICU, the RI appointed for WFC is Mr NG Yeuk. He applied for registration as an AP in October 2010 by holding the

²⁹ Registered specialist contractors (Demolition Works)

³⁰ Registered specialist contractors (Foundation Works)

³¹ Registered specialist contractors (Ground Investigation Field Works)

³² Registered specialist contractors (Site Formation Works)

³³ Registered specialist contractors (Ventilation Works)

³⁴ Registered minor works contractors (Company)

³⁵ Registered minor works contractors (Individual)

qualification of being a registered architect. The subject registration committee interviewed him on 16 December 2010 and the committee recommended to defer his application for nine months. The letter informing him of the deferral was issued on 6 January 2011.

127. Mr NG submitted application for registration as an AP again in August 2014. The subject registration committee interviewed him on 18 December 2014 and he failed the interview. The refusal letter was issued on 27 January 2015.
128. Mr NG applied for the third time as an AP, and his application was received by BD on 7 September 2018. He attended the interview by the subject registration committee on 22 January 2019. He passed the interview and was included in the register of AP on 22 March 2019.
129. Mr NG applied for registration as an RI, on 2 April 2019, by virtue of being an AP as described in paragraph 87 above. His application was accepted. He was included in the register of RI on 31 May 2019, and his registration was due to expire on 31 May 2024. He applied for retention of his registration as an RI on 8 February 2024 and the application was accepted on 22 March 2024, which would expire on 31 May 2029. The documents relevant to the registration of Mr NG are at **BD/C/3B, BD/C/3G, BD/C/7A, BD/C/7D, BD/C/12A and BD/C/12B.**

Registration of PC&E

130. PC&E was first registered as an RGBC on 24 March 2006. In

August 2023, PC&E in the capacity of RGBC was disciplined under the BO in that the disciplinary board decided it and its AS had misconducted in building works being carried out in contravention of the BO. The board ordered PC&E be fined \$50,000 and prohibited from certifying or undertaking any minor works for four months; and its AS be reprimanded and fined \$5,000. The case involved MW carried out by PC&E in two buildings, one for which PC&E carried out and certified completion of a Class III MW, which subsequently found by BD from audit inspection that it was in fact a Class I MW. The board found PC&E had failed to identify the nature and class of MW and caused potential safety risk to the public, which constituted a misconduct in carrying out of building works. Another case of MW involved erection of wall signboards. BD conducted audit check and found that the position and dimension of some of the signboards contravened the relevant provisions of the BO. The board found that PC&E and its concerned AS had been negligent or had misconducted themselves in building works. The disciplinary order was published in Gazette and is also shown on BD's website.

131. When PC&E applied for renewal of registration in December 2023, due to the abovementioned record of disciplinary order, its responsible AS needed to attend the CRC interview according to the established requirements under PNRC 38. The AS failed the interview on 6 March 2024. Since there was still one AS acting for PC&E for the purposes of BO who was with a clean record (i.e. without relevant conviction/ disciplinary/ suspension/ serious site incidents records within the specified period) and thus no CRC interview was required, the renewal of registration was

granted on 21 March 2024 with the failed AS removed from the register. BD received notification from the last AS of PC&E on 5 January 2026 that he had resigned from PC&E with effect from 2 January 2026 onwards. Since there is no AS acting for PC&E for the purposes of the BO, it cannot be appointed to carry out any more building works or street works under section 9 of the BO. All building works currently appointing PC&E as RC should also cease because there is no AS to act for it for the purpose of the BO³⁶. As mentioned in paragraph 78 above, BD had received reports, complaints and enquiries on the performance of PC&E and WP at WFC. Except for enquiries concerning the registration status of PC&E, which were replied by BD, all the remaining reports, enquiries and complaints related to WFC were referred to ICU for their follow up action.

132. PC&E was also once registered as an RMWC (since 8 August 2013). During its application for renewal of registration in May 2019, its AS needed to attend a CRC interview because of its record of 14 convictions on labour safety offences and 7 warning letters issued by BD. The AS failed the interview in August 2019 and since there was no AS serving for its RMWC registration, the application was refused on 20 September 2019 and PC&E was removed from the register of RMWC on 4 October 2019. The documents relevant to the registration of PC&E are at **BD/C/1B, BD/C/3A, BD/C/3C, BD/C/3D, BD/C/3F, BD/C/4, BD/C/5, BD/C/7B, BD/C/8A, BD/C/8B, BD/C/12 and BD/C/12C.**

Records of conviction and projects

³⁶ As a matter of fact, shortly after the fire, BD issued a cease works order to PC&E on 29 November 2025 ordering it to cease works for 28 building repairs projects carried out in RC's capacity.

133. There is no record of conviction of Mr NG in BD's database. The conviction record of PC&E is at **BD/C/1C**. As explained in paragraphs 109 and 121 above, under the contractors registration system, the conviction/ disciplinary/ suspension records covering three years preceding the application date or the current registration period preceding the date of submission of the renewal application will be considered, i.e. records of irregularities more than three years from the date of new application will not be taken into account, or in the case of renewal application, such records before the above said period had been dealt with in the previous renewal exercises and will not be considered again when handling the current application for renewal of registration. However, if a contractor, AS or TD was removed from the register due to failure to address the records of irregularities to the satisfaction of the CRC and the BA, such records, irrespective of whether they are beyond the above said period, will still be retrieved for consideration by the CRC and the BA when the contractor, AS or TD apply again for registration.

134. Under the MBIS, the inspection and repair works projects of Mr NG and PC&E are listed at **BD/C/16 and BD/C/17**.

Part III – General Matters

Paragraphs 54-57: General Matters

Fire-retardant properties of protective materials for scaffolding

135. The protective net, screen, tarpaulin and plastic sheeting installed on scaffolds at facade of buildings for building works (including any sites under construction, demolition, repair, A&A and minor works) should have appropriate fire-retardant properties in compliance with the recognised standards. The relevant requirements are promulgated by BD to all relevant stakeholders by means of the following publications:
- (a) Clause F5.6(e) of the Code of Practice for Fire Safety in Buildings 2011 **BD/A/50**;
 - (b) Paragraph 3.3.2 of the Code of Practice for Demolition of Buildings 2004 **BD/A/36**;
 - (c) Paragraph 4(a) of PNAP APP-70 on “Use of Plastic Sheet to Cover Scaffolding outside Buildings” **BD/A/19**;
 - (d) Paragraph 4(a) of the PNRC 26 on “Use of Plastic Sheet to Cover Scaffolding outside Buildings” **BD/A/20**;
 - (e) PNRC 85 on “Fire Retardant Performance of Protective Nets, Screens, Tarpaulin and Plastic Sheeting Installed on Scaffolding of External Walls” **BD/A/84**;
 - (f) Paragraph 6.15 under Part C of the Guidelines on the Design and Construction of Bamboo Scaffolds **BD/A/38**;
 - (g) Clause 11.2.10 of the Technical Guidelines on the Minor Works Control System (2024 edition) **BD/A/44**; and
 - (h) Circular letter to PBPs and RCs on “Use of Fire Retardant Protective Net/Screen/Tarpaulin/Plastic Sheeting on Façade of Buildings under Construction, Demolition, Repair or Minor Works” dated 21.3.2023 **BD/A/75**.
136. After the fire incident at Chinachem Tower in Central in October 2025, BD has stepped up on-site audit checks including requesting RCs to provide testing reports/certificates of fire-

retardant property of protective nets for checking. Furthermore, on 21 October 2025, BD issued a Circular Letter to all PBPs and RCs, requiring them to immediately inspect and ascertain the fire-retardant property of the protective nets/ screens/ tarpaulin/ plastic sheeting on the façade of buildings with building works under their charge. The Circular Letter also stated that if it is discovered that building works being carried out involve the use of protective net, screen, tarpaulin and plastic sheeting with inadequate fire-retardant properties, BD will take appropriate actions against the relevant persons and contractors under the BO, including consideration of instigating prosecution and disciplinary actions. SBS/Adv notified ICU the issuance of this CL on the same day on 21 October 2025.

137. The authorisation of power and duties under the BO to ICU for it to perform statutory building control functions for sold HOS buildings under the BO is explained in paragraphs 42 to 74 above. ICU is responsible for the administration and enforcement of the BO and its subsidiary regulations to ensure the safety and health standards of sold HOS buildings.

Follow up action after WFC fire incident

138. Immediately after the WFC fire incident, BD launched a special operation, inspecting approximately 400 private buildings undergoing major repair works and with scaffolding erected. The inspections aimed to check the fire-retardant test reports/ certificates and collected samples of protective nets and screens from sites. The samples were then sent to accredited laboratories for testing of their fire-retardant property. BD also issued

Circular Letters to all PBPs and RCs on 27 November 2025 requesting all RCs to submit a report, along with the relevant certificates, test reports or assessment documents for the protective nets/ screens/ tarpaulin/ plastic sheeting on the façade of buildings with building works under their charge from accredited laboratories to verify compliance with the recognised fire-retardant standards and confirm that the materials are in good condition. As at 9 January 2026, BD has received over 1,400 such reports. BD is scrutinising the reports with an aim to identifying any counterfeit test reports and certificates, and would refer any suspected fraudulent cases to the Police for investigation. For cases that BD suspects that the materials do not meet the recognized fire-retardant standards, BD will collect samples of the materials from erected scaffold nets and conduct laboratory tests to ensure safety and compliance.

139. As the Police received evidence regarding forged certificates and test reports on fire-retardant properties of protective nets and screens, in order to ease public's concern on the safety of buildings undergoing repair works, on 3 December 2025, the Government announced that all buildings undergoing major repair works with scaffolding on their exterior must remove the protective nets and screens by 6 December 2025 and temporarily cease exterior wall work. It also announced that BD would issue a new practice note (i.e. the new PNRC 85 as referred to in paragraph 142 below) as soon as possible to promulgate a new testing mechanism for the protective nets and screens to safeguard public safety. Accordingly, on 4 December 2025, BD issued cease works orders to or instructed RCs of approximately 200 private buildings to remove the protective nets and screens

from the scaffolding on their exterior walls, and all such protective nets and screens had since been removed.

140. Since late December 2025, BD has launched a special inspection operation, conducting audit checks on the approximately 400 private buildings undergoing major repairs to check if the repair works are carried out with proper fire safety precautionary measures in place and identify any malpractices that may pose fire safety risks to the occupants and the public. The inspection scope includes whether fire barriers (such as fire doors or fire-resistant fixed windows) have been removed, whether flammable materials (such as polystyrene foam boards) are used to cover external walls or windows, whether improper procedures such as creating openings in escape staircases for transporting materials have been carried out, and other matters affecting fire safety.
141. With the aim to stepping up audit checks for large scale building repair works for enhancing building safety, BD is arranging resources to conduct periodic inspections on existing buildings undergoing major repair works, irrespective of whether the buildings are subject to statutory orders/ notices/ fire safety directions, in order to identify fire safety risks and rectification required of any deficiencies in fire safety precautions to ensure safety. The audit inspections will continue to be risk-based, considering factors such as building type, number of floors, scale and scope of repair works.

Issue of New PNRC 85

142. While BD has clear fire-retardant performance requirements for

protective nets at scaffolds, the fire incident and the Police's findings reveal instances of using substandard protective nets that did not meet the recognised standards, while some cases raised suspicions of the use of false instruments. To ensure the protective materials installed at the scaffolding are in compliance with the recognised standards and to effectively address the problem of forged test reports, a new mechanism was promulgated through the new PNRC 85 issued on 19 December 2025. BD has also briefed ICU on the new requirements. The new requirements are as follows:

- (a) RCs must obtain test reports for the fire-retardant performance of the scaffolding protective materials from suppliers, which must be provided and properly displayed on site for inspection;
- (b) Upon delivery of the scaffolding protective materials to site, RCs must arrange for a third party to randomly select samples. The samples must be taken in specified quantities in accordance with ISO standards and in a specified manner, and submitted to a designated laboratory for testing, with the entire process videotaped. Samples must all pass the test before protective materials can be installed. If any single sample fail to meet the recognised standards, the entire batch must not be used;
- (c) The test report should be submitted electronically and affixed with a digital signature for valid authentication of the identity of designated laboratories, and to ensure the integrity of the test report through encryption and digital signature. The

electronic report on the test results of samples must be provided to BD for record;

- (d) For off-site sampling, RCs are required to establish a tracking system to the satisfaction of BD to track materials throughout the entire process (i.e. from warehousing, sampling for testing, to collection of nets and delivery to sites for installation on scaffolding) and consolidate orders, lot/material delivery records, sampling records and test reports to facilitate verification and tracking of the lots in compliance with the recognised standards;
- (e) RCs are required to notify BD via the specified form within seven days upon completion of the installation of protective materials on scaffolding. BD will conduct random on-site audit checks and BD officers will randomly select locations on each façade and request on-site sampling by RCs, and will arrange for the delivery of the samples to the Government Laboratory/Public Works Laboratories of the Civil Engineering and Development Department for testing; and
- (f) Fire-retardant performance of protective materials should be tested periodically to ensure compliance with the recognised standards from time to time.

BO Review

143. DEVB launched the public consultation exercise on proposals to amend the BO in early 2025 for the, with proposed amendments in three aspects, namely expediting building inspection and repair,

rationalising the policy on handling unauthorised building works, and enhancing construction safety. The proposals included:

- (a) to increase the penalty level for the offence of carrying out building works or authorising or permitting building works carried out or to be carried out in a manner that causes or is likely to cause injury or damage to property. The maximum fine is proposed to be increased from HK\$1M to HK\$3M on summary conviction, and for serious cases, an indictable offence is proposed to be introduced with a maximum fine of HK\$10M;
 - (b) to increase the maximum fine level for disciplinary sanction from HK\$250,000 to HK\$400,000, and to allow multiple sanctions to be imposed for each charge (i.e. in addition to a fine, reprimand and/or removal of the contractor from the register may also be ordered at the same time.); and
 - (c) to tighten the registration system by empowering the BA to impose condition requiring for example more stringent site supervision measures when granting renewal of registration to a contractor involved in fatal site incident.
144. In the light of the WFC fire incident, DEVB and BD are considering further proposals of amendments to the BO to enhance control on major building repair works, including the following:
- (a) To enhance the control on major repair works by designating them as Class I MW. Currently, most such works are

classified as Class II MW. In future, as Class I MW, apart from RC, the carrying out of such works would require the appointment of third-party PBP to submit to BD prescribed plan covering the safety precautionary measures in greater details, as well as supervision plan³⁷ specifying the staffing and arrangements for on-site supervision. The PBP, independent of the RC, will assist owners in supervision of the carrying out of works. BD will strengthen audit checks and enforcement with reference to the prescribed plan and supervision plan submitted;

- (b) To empower BD to specify requirements over construction methods and procedures, and to clearly stipulate what constitutes “appropriate precautionary measures must be taken” under current legislation (see section 16 of the B(C)R), thereby providing a more solid and clear legal basis for prosecution;
- (c) Regarding safety standards for building materials, instead of relying on the current BO offence framed in rather indirect terms such as “defective materials” (see section 40(2A) of the BO), we will include the safety requirements of building materials as statutory standards in BO and make non-compliance with such standards a new offence in order to make it easier to prosecute. The concerned penalty level will also be increased;
- (d) To reform the registration and disciplinary systems for PBPs

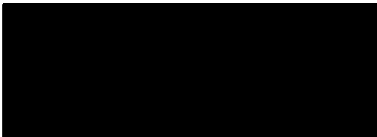
³⁷ Currently under the TM, building repair works do not require the submission of supervision plans.

and RCs to ensure professional quality and integrity. Even for matters unrelated to construction quality or technical issues, disciplinary actions may be taken such that in cases of violations of the Prevention of Bribery Ordinance (Cap. 201), which may also be one of the considerations in registration renewal; and

- (e) BD will strengthen audit checks and enforcement based on a risk-based approach.

145. Apart from legislative amendment, as mentioned in paragraph 140 above, BD has launched a special inspection operation in late December 2025 conducting audit checks on some 400 buildings undergoing major repairs. Similar operation is also conducted by the Fire Services Department (“FSD”) in parallel and both departments have mutually agreed to refer irregularities found under their respective purviews. BD will explore whether this referral arrangement can be regularised in future with FSD in order to enhance the fire safety of major repair and A&A works.
146. I confirm that the contents of this Witness Statement are true to the best of my knowledge, information and belief.

Dated this 19th day of January 2026.


Pang Yuk Lung, Michael

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