

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

WITNESS STATEMENT OF TE Chi Wang

I, TE Chi Wang, Deputy Director (2), Home Affairs Department, 30th Floor, Southorn Centre, 130 Hennessy Road, Wan Chai, Hong Kong, do say as follows:-

1. I am a Deputy Director of the Home Affairs Department (“**HAD**”) of the Government of the Hong Kong Special Administrative Region. I have joined HAD for 3 years and 2 months since November 2022. My main responsibilities include, amongst others, overseeing and steering the policy on building management and the implementation of building management initiatives.
2. I make this Witness Statement pursuant to the request of the Independent Committee (“**Committee**”) in relation to the fire at Wang Fuk Court in Tai Po as set out in a letter from Messrs. Lo & Lo, Solicitors for the Committee, to the Secretary for Home and Youth Affairs and Director of Home Affairs dated 31 December 2025 (“**31 December Letter**”) in which specific questions were raised in paragraphs 1 to 19 (“**Questions**”). 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 31 December Letter.
3. In this Witness Statement, I shall address Questions 1, 6, 7, 17 and 18 of the 31 December Letter. Other Questions which are within

HAD's purview will be addressed in the witness statements of other relevant officers of HAD to the Committee.

4. I understand that HAD will produce to the Committee a List of Documents ("LoD"), a draft of which I have read, indexing all relevant documents in HAD's possession. In this Witness Statement, I shall refer to these documents by their designation in the List of Documents (for example, [HAD/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 A is a detailed description of the role of HAD in building management in answer to Question 1;
 - (2) Part B is a detailed description of the role of HAD regarding the two Codes of Practice referred to under Question 6 in answer to Question 6;
 - (3) Part C is a detailed description of application of section 40A of the Building Management Ordinance (Cap. 344) ("BMO") in answer to Question 7; and
 - (4) Part D is a detailed description of the proposed recommendations in answer to Questions 17 and 18;

Part A – Answer to Question 1

6. The Government's policy on building management is premised on the principle of "private ownership". The right of private ownership of property is enshrined in the Basic Law of the Hong Kong Special Administrative Region, specifically Article 6 and

Article 105.

7. The Government takes the view that the right to private property carries with it the inherent responsibility for its proper management, including up-keeping and maintenance. A robust building management regime shall premise on the due responsibility and participation of private property owners, while the Government's policy on building management is to facilitate owners in discharging their responsibility. Specifically, the **Building Management Ordinance (Cap. 344)** is enacted to provide a legal framework for the formation and operation of owners' corporations ("OCs"). A range of advisory and support services to facilitate building management is also provided by HAD. Government intervention in private property management should be premised on safeguarding public interest, and should be exercised with caution and restraint given the right of private ownership. A copy of the BMO is at **HAD/A/1**.
8. The BMO provides for the incorporation of owners, and the management and maintenance of their buildings. The Secretary for Home and Youth Affairs ("SHYA") is the Authority under the BMO, and HAD is her executive arm. For a building in which owners hold undivided shares, the responsibility for managing the common parts is to be discharged collectively and jointly. The BMO provides the legal mechanism for owners to form a legal entity, namely the OC, to assume and discharge their shared responsibility on building management.
9. The BMO sets out the duties and powers of OCs and Management Committees ("MCs") with regard to the management and maintenance of common parts of the buildings. In particular, pursuant to s.18(2) of the BMO, an OC possesses powers, including the power to engage and remunerate staff, accountants,

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managers, or other professionals; improve and maintain common areas; carry out renovation, improvement, or decoration works on common parts; and act on behalf of the owners in matters of common interest. The BMO also confers on individual owners the rights to monitor the work of the OC and its MC, which include the rights to inspect and/or obtain a copy of any financial statements and, if applicable, accountant's reports, and to require the MC chairman to convene an OC general meeting for specified purposes at the request of not less than 5% of the owners.

10. Aside from the legal framework provided by the BMO, HAD also provides a range of advisory and support services for OCs and owners in discharging their building management responsibilities. To enhance support to owners and OCs, HAD has set up a dedicated team in the HAD Headquarters, as well as a District Building Management Liaison Team (“**DBMLT**”) in each of the 18 District Offices (“**DOs**”). The DBMLTs provide services to OCs and owners, including but not limited to-
 - (i) assisting owners in forming OCs by advising them on the procedures of OC formation, issuing exemption certificate to the convenor of owners' meeting for obtaining a free copy of owners' record from the Land Registry for the purpose of OC formation, attending the owners' meeting and giving advice and information to owners as and when necessary;
 - (ii) in case owners have difficulties in obtaining the support from owners of not less than 30% of shares in aggregate to form an OC under section 3 of the BMO, processing owners' application made to SHYA for an order to convene an owners' meeting under section 3A of the BMO, which lower the threshold to 20%;

- (iii) attending owners' meetings upon invitation and providing advice and information to owners according to the provisions of the BMO;
- (iv) advising the parties concerned of the specified requirements of the BMO in case non-compliance is identified, and requesting them to rectify the problems as soon as possible; where necessary, advising owners to seek independent legal advice or to make use of the "Free Legal Advice Service on Building Management" administered by HAD;
- (v) answering enquiries about the operation of OCs according to the provisions of the BMO; and
- (vi) organising training courses and briefings on building management for MC members and owners.

In gist, DBMLTs facilitate OCs and owners to comply with the requirements as stipulated under the BMO.

11. To strengthen support for OCs and owners, HAD has also introduced a number of professional support services, covering provision of building management information and training, legal advice service, and building management dispute resolution service. A brief account of the services is at **HAD/D/1**.

[HAD/D/1]

12. DBMLTs also handle building management complaints. Upon receiving complaints from OCs or owners regarding building management or maintenance, DBMLTs will investigate the cases having regard to the relevant facts and prevailing information and provide appropriate advice in accordance with the relevant provisions of the BMO. If any potential contravention of the BMO is identified, DBMLT will remind the parties concerned of

the requirements of the BMO and request them to timely rectify the problems.

13. For complaints involving legal aspects related to building management, such as the interpretation of the deed of mutual covenant of the building or the provisions of the BMO, or the responsibility for maintaining common areas of the building, the parties concerned may also seek their own legal advice. In this connection, the respective DBMLT will inform the parties concerned of the availability of the support under the “Free Legal Advice Service on Building Management” administered by HAD. If the matter involves disputes concerning the operation, financial arrangements, or maintenance works of the OC, the respective DBMLT will give advice to the parties concerned that they may resort to alternative dispute resolution. In particular, a range of mediation services is provided by HAD, including “Free Mediation Service Scheme for Building Management”, “Building Management Dispute Resolution Service” or “Panel of Advisors on Building Management Disputes”, to assist the parties involved in resolving the dispute. If the matter involves a professional field, such as drawing up the scope of maintenance works required based on the requirements of the statutory notices/orders issued by the relevant departments, e.g. the Buildings Department and Fire Services Department, or hiring works consultants with specific expertise / experience for large scale or complicated building maintenance projects, the respective DBMLT will refer it to the relevant professional departments or the Urban Renewal Authority for follow-up as appropriate.
14. To enhance support to OCs and owners in handling building management and maintenance matters, HAD has set up a Central Platform on Building Management (“**Central Platform**”) since 2018 to organise monthly briefings for OCs and owners. Relevant

government departments (including the Buildings Department (“BD”), the Fire Services Department (“FSD”), the Electrical and Mechanical Services Department, the Labour Department (“LD”) and the Hong Kong Police Force) and institutions (including the Independent Commission Against Corruption, the Urban Renewal Authority and the Competition Commission) are present to introduce the various services/schemes on building management and maintenance to owners and OCs, including the details of the services/schemes, the application procedures, and the channels for making further enquiries. All information introduced by various departments and institutions at the briefing sessions is uploaded to the building management website of HAD¹; owners and OCs can learn about the relevant information anytime.

15. The Central Platform is particularly helpful to owners and OCs that have received notices or repair orders under the Mandatory Building Inspection Scheme and Mandatory Window Inspection Scheme from BD, or fire safety directions from FSD and/or BD. HAD Headquarters and DBMLTs will proactively promote the briefing sessions to such owners and OCs and encourage their participation.
16. DBMLTs also organise seminars, workshops and briefings for OCs and owners in their respective districts by inviting the relevant departments and organisations to introduce information related to building management and maintenance, so that owners can better fulfill their responsibilities in managing their buildings.

Part B – Answer to Question 6

17. SHYA has issued two Codes of Practice pursuant to sections

¹ Accessible at https://www.buildingmgmt.gov.hk/tc/Support_Services/2_22.html.

44(1)(a) and 44(1)(b) respectively: the Code of Practice on Procurement of Supplies, Goods and Services and the Code of Practice on Building Management and Safety. Copies of the two Codes of Practice are at **HAD/A/2** and **HAD/A/3**.

[HAD/A/2]
&
[HAD/A/3]

18. Recognising that MCs are often comprised of owners who are laymen and serve on a voluntary basis, these Codes of Practice provide them with practical guidelines and benchmarks for reasonable conduct in the respective areas. They supplement the BMO's provisions by outlining expected standards and practices respectively for procurement activities / general building management and safety.
19. They supplement the BMO by setting out the practical guidelines for procurement and safety. While under section 44(2) of the BMO, a failure to follow any of the Codes does *not*, in itself, constitute a criminal offence, the Codes serve to provide an objective yardstick. In any civil or criminal proceedings (including those under the BMO), such a failure may be relied upon as admissible evidence relevant to establishing or disputing liability.
20. When non-compliance with the Codes of Practice is identified, DBMLTs will advise the parties concerned of the specified requirements and suggest them to rectify the problems as soon as possible. To assist OCs and owners in adhering to the BMO and Codes of Practice, DBMLTs regularly organise seminars and briefings for them. Additionally, through the Pre-Meeting Advisory Service for OCs which targets newly formed OCs, MCs starting a new term, and OCs anticipating controversial discussion items, DBMLTs will brief MC members on meeting procedures and provide them with relevant information before meetings to ensure the compliance with the BMO and the Codes of Practice.

In the case of Wang Fuk Court Renovation, we were not aware of any non-compliance with the Codes of Practice.

Part C – Answer to Question 7

21. Section 40A(1) of the BMO empowers the Authority or an authorized officer to inspect common parts of a building, attend OC general meetings, and inspect and/or obtain a copy of OC budgets, accounts, documents and records, for the purpose of ascertaining how a building is being controlled, managed, or administered. The appointment of authorised officers for taking the necessary actions under section 40A will be assessed on a case-by-case basis.
22. Given that HAD plays a facilitating role in building management, if not all, OCs and owners are willing to work with HAD in a voluntary and cooperative manner. Hence, the power under section 40A, in most of the cases, is not required to be triggered. Section 40A serves mostly as a “last resort” for exceptional cases.
23. In exceptional cases of uncooperative OCs and owners, HAD applies a test of necessity and proportionality for assessing whether the self-regulatory mechanisms of the concerned OC have failed to such an extent that Government intervention is a suitable remedy. The justification for using section 40A requires more than a mere complaint, but some evidence that the OC or its MC is unwilling or unable to fulfil its statutory duties or that the transparency of the building management has collapsed.²

² To quote an application of section 40A as an example, the residents of Star Mansion in Yau Tsim Mong (YTM) district lodged complaints against the MC of Star Mansion OC since 23 October 2024 over the management of the building and the financial situation of the OC. The MC in question was uncooperative and refused to respond to our enquiries. For the purpose of ascertaining the management and financial situation of the building, SHYA authorised the public officers of YTMDO to exercise the power conferred by section 40A(1)(c) of the BMO to request the MC to provide various documents, inter alia, financial documents, service contracts and insurance particulars in respect of the building to the YTMDO.

24. In the case of Wang Fuk Court, the buildings were at all material times managed by a functional MC. There was an elected body in place operating within the framework of the BMO with the assistance of a licensed property management company (PMC). Both the MC and PMC had been cooperative at all material time, and as in most cases, Tai Po DO did not encounter any difficulty in attending its owners' meetings or obtaining information and records such as its budgets and accounts. Accordingly, HAD did not need to trigger the powers under section 40A.

Part D – Answer to Questions 17 and 18

25. The Government is committed to continuously enhancing the building management regime in keeping with the developments in the society and the views of the public.
26. A significant step forward most recently is the enactment of the Building Management (Amendment) Ordinance 2024 (“**Amendment Ordinance**”), which came into effect in July 2025. A main purpose of the related amendments was to enhance financial governance and transparency so as to facilitate owners to make informed choices on important procurement decisions. This directly correlates to tendering process and the carrying out of large-scale building maintenance and renovation works of residential building estates.
27. Experience has shown that opaque procurement procedures may hinder the ability of decision-makers to make informed choices. This lack of transparency creates an environment in which certain interested parties may more easily manipulate the procurement outcome. The Amendment Ordinance introduces defined categories for high-value procurement (Type 1, Type 2, and large-scale maintenance procurements) with corresponding tendering

and declaration of interests and connections requirements. It mandates that responsible persons involved in procurement must declare any pecuniary or personal interest in a tender, or any connection with the tenderer. Such declarations must be prominently displayed within the building. Declarants are then subject to restrictions, including exclusion from relevant meetings and voting.

28. Specifically for “large-scale maintenance procurement”, the Amendment Ordinance also introduces a new “voting-in-person” threshold. This requires that at least 5% of owners or 100 owners (whichever is less) cast their vote personally at the meeting.
29. By mandating the “voting-in-person” threshold for “large-scale maintenance”, we want to encourage owners’ personal participation on critical decisions (which often involve fire safety upgrades or major structural repairs). This enhanced participation not only enables owners to make more informed decisions but also serves as a safeguard against potential manipulation, misconduct, or malpractices in the procurement process. Under section 28J(1) of the BMO, if the new statutory requirements are not complied with, the concerned contract may be avoided by a resolution passed at a general meeting of an OC. Owners may also apply to the Lands Tribunal for an order to determine how such contract should proceed. A copy of the details of the Amendment Ordinance is at **HAD/A/4**.
30. Looking ahead, HAD is committed to enhancing inter-departmental collaboration and leveraging its role in liaising closely OCs. This regular liaison position of HAD can facilitate communication and coordination between relevant government departments and the OCs. Subject to the agreement of other relevant departments and institutions involved in building repairs

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and maintenance (including URA, FSD, BD, LD and the Housing Department), HAD stands ready to participate in joint initiatives for large-scale building maintenance and renovation works to facilitate communication and coordination between government departments and the OCs on both regular and *ad hoc* bases.

31. In addition, as announced in the Chief Executive's 2025 Policy Address, the Government will continue to review the BMO and gather stakeholders' views to follow up on other building management issues. Having regard to the fire at Wang Fuk Court in Tai Po, we have preliminarily outlined the following five amendment directions:

- (1) Decisions on large-scale maintenance works and major procurements: To raise the thresholds for attendance and in-person voting for undertaking large-scale maintenance works and major procurements;
- (2) Appointment of proxy instruments: To improve the system for handling proxy instruments, such as setting a cap on the number of proxies an individual may hold for large-scale maintenance procurements, and to require that the status of proxy instruments lodged by each unit be posted within the building;
- (3) Declaration of interests: To further refine the declaration of interest system related to large-scale maintenance works procurement to enhance greater transparency, fairness, and impartiality in the procurement process;
- (4) Meeting procedures: To further clarify the arrangements for convening, agenda setting, cancellation, and postponement or suspension of owners' meetings; and

(5) Powers of the Authority: To grant the Authority greater powers to intervene and provide assistance in special circumstances where the MC is unable to function normally or handle the affairs of the OC.

32. I confirm that the contents of this Witness Statement are true to the best of my knowledge, information and belief.

Dated this 16th day of January 2026.



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