

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

## **Evidential Hearing**

**The Honourable Mr Justice David Lok  
The Honourable Mr Chan Kin-por, GBS, JP  
Dr Rex Auyeung Pak-kuen, GBS, JP**

**On:  
Day 09  
Wednesday, 08 April 2026**

**Mr Victor Dawes SC, Mr Jason Yu, Mr SW Lee, Mr Jonathan Fung,  
Mr John Cheung and Mr Brian Lee appeared on behalf of the Independent  
Committee**

**Mr Richard Khaw SC, Mr Martin Ho and Mr Cedric Yeung appeared on  
behalf of ISS EastPoint Properties Ltd**

**Mr Jenkin Suen SC, Mr Calvin Cheuk, Mr Michael Lok and Mr Charlie  
Liu appeared on behalf of the Government**

**Mr Solomon Lam appeared on behalf of Victory Fire Engineering Limited**

**Representatives of Department of Justice**

**Mr Mike Lui SC and Mr Ross Yuen appeared on behalf of the Urban  
Renewal Authority**

**Mr Jonathan Kwan and Mr Aaron Chan appeared on behalf of Leung Ping  
Kay**

**Representatives of Competition Commission**

**Solicitor for Hop On Management Company Limited**

**Mr Andrew Lau appeared on behalf of the residents of Wang Fuk Court**

Page 1	<p>1 Wednesday, 8 April 2026</p> <p>2 (10.00 am)</p> <p>3 THE HON MR JUSTICE DAVID LOK: Mr Lee.</p> <p>4 MR SW LEE: The first witness of today is Mr Tong Hing Lun.</p> <p>5 Mr Tong, before you is a declaration. Please stand</p> <p>6 up and read it out.</p> <p>7 (10.01 am)</p> <p>8 MR TONG HING LUN (affirmed)</p> <p>9 Examination by MR SW LEE</p> <p>10 MR SW LEE: Please be seated.</p> <p>11 Mr Tong, we know that you are employed by</p> <p>12 Victory Fire; right?</p> <p>13 MR TONG HING LUN: Yes.</p> <p>14 MR SW LEE: Your position is a plumber.</p> <p>15 MR TONG HING LUN: Correct.</p> <p>16 MR SW LEE: From the information you have supplied, you</p> <p>17 joined Victory Fire in 2015; is that right?</p> <p>18 MR TONG HING LUN: Correct.</p> <p>19 MR SW LEE: In relation to the investigation into the</p> <p>20 Wang Fuk Court fire, in December you made a witness</p> <p>21 statement to the police. Do you remember?</p> <p>22 MR TONG HING LUN: Yes.</p> <p>23 MR SW LEE: Afterwards, through a lawyer, you gave another</p> <p>24 witness statement to the Independent Committee; is that</p> <p>25 right?</p>	Page 3
Page 2	<p>1 MR TONG HING LUN: Right.</p> <p>2 MR SW LEE: I believe that the content of the two statements</p> <p>3 are true and correct; right?</p> <p>4 MR TONG HING LUN: Right.</p> <p>5 MR SW LEE: You joined the company in 2015, Victory Fire.</p> <p>6 We understand that starting from around 2016,</p> <p>7 Victory Fire was in charge of the annual inspection of</p> <p>8 Wang Fuk Court. Before 2025, were you involved in</p> <p>9 repair or annual inspections of Wang Fuk Court?</p> <p>10 MR TONG HING LUN: Yes, I was.</p> <p>11 MR SW LEE: The earliest time when you were involved with</p> <p>12 Wang Fuk Court?</p> <p>13 MR TONG HING LUN: Shortly after I joined the company.</p> <p>14 MR SW LEE: It's possible that you were involved in Wang Fuk</p> <p>15 Court FSI annual inspection around 2016?</p> <p>16 MR TONG HING LUN: Maintenance and repair.</p> <p>17 MR SW LEE: The annual inspection was not done by you?</p> <p>18 MR TONG HING LUN: No.</p> <p>19 MR SW LEE: What about rectification of defects in relation</p> <p>20 to waterworks after the annual inspection, you would</p> <p>21 carry out the works together with your colleagues?</p> <p>22 MR TONG HING LUN: Right.</p> <p>23 MR SW LEE: On 16 and 17 October 2025, we understand that</p> <p>24 you, together with another full-time plumber, Mr Tong</p> <p>25 Siu Ming, and a part-time plumber, Mr Choi Kam Lung, you</p>	Page 4
	<p>1 carry out rectification work after an annual inspection;</p> <p>2 right?</p> <p>3 MR TONG HING LUN: Right.</p> <p>4 MR SW LEE: Now, let's go to 16 October 2025, that is the</p> <p>5 first day when you carried out the rectification work.</p> <p>6 One of the rectifications was to replace the nozzles of</p> <p>7 the reels; right?</p> <p>8 MR TONG HING LUN: Right.</p> <p>9 MR SW LEE: The first thing you had to do was to go to the</p> <p>10 FS tank on the rooftop to turn off the water supply;</p> <p>11 right?</p> <p>12 MR TONG HING LUN: Right.</p> <p>13 MR SW LEE: As far as I understand, you personally went to</p> <p>14 the rooftop of blocks A, B and C to turn off the switch;</p> <p>15 right?</p> <p>16 MR TONG HING LUN: It was Mr Choi Kam Lung who switched off</p> <p>17 the water supply.</p> <p>18 MR SW LEE: If that is the case, may I refer you to a</p> <p>19 witness statement you made to the police. Page 189.</p> <p>20 THE HON MR JUSTICE DAVID LOK: Which bundle?</p> <p>21 MR SW LEE: R1. Paragraph 5. On 16 October at 10 am, you,</p> <p>22 together with the part-time plumber, Choi Kam Lung, and</p> <p>23 Mr Tong went to work at Wang Fuk Court.</p> <p>24 Let's skip a few lines.</p> <p>25 Before the start of the works you would borrow the</p>	
	<p>1 key to the rooftop from the guard post of the block.</p> <p>2 The guard at the guard post said that, as there were</p> <p>3 works on the rooftop, there was no need to borrow a key</p> <p>4 as it was unlocked. You went to the rooftop to switch</p> <p>5 off the gate valve to avoid water coming out when</p> <p>6 replacement work was done. When you went up, the gate</p> <p>7 valve was on. It was so stated in the statement you</p> <p>8 gave to the police in December.</p> <p>9 Now, looking at this paragraph, you said that it</p> <p>10 wasn't you who switched off the switch. Now, having</p> <p>11 read the statement, can you recall whether it was you or</p> <p>12 whether it was Mr Choi who switched off the gate?</p> <p>13 MR TONG HING LUN: It was me.</p> <p>14 MR SW LEE: It was you then. Right.</p> <p>15 As we know that Wang Yan, Wang Tao, Wang Sun Houses</p> <p>16 are blocks A, B and C, respectively.</p> <p>17 MR TONG HING LUN: Correct.</p> <p>18 MR SW LEE: My question was in relation to the rooftop FS</p> <p>19 tank of the three blocks, you turned the switch off?</p> <p>20 MR TONG HING LUN: Right.</p> <p>21 MR SW LEE: You said that when you turned them off you did</p> <p>22 not in particular check whether there was water in the</p> <p>23 FS tank.</p> <p>24 MR TONG HING LUN: Right.</p> <p>25 MR SW LEE: Before October 2025, perhaps in 2023, 2024 or</p>	

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<p>1 before that, have you come into contact with the rooftop                  2 FS tank of Wang Fuk Court?                  3 MR TONG HING LUN: Yes.                  4 MR SW LEE: By that I meant whether you had conducted any                  5 inspections of the FS tank at work?                  6 MR TONG HING LUN: Yes, I did.                  7 MR SW LEE: Before October 2025, in the previous works                  8 conducted, as you recall the inside of the tank, what                  9 was the material?                  10 MR TONG HING LUN: Just common concrete.                  11 MR SW LEE: No tiling?                  12 MR TONG HING LUN: No.                  13 MR SW LEE: Let's stay on this police statement, perhaps it                  14 will assist you. After the works have been carried out,                  15 you needed to test the replaced parts.                  16 MR TONG HING LUN: Right.                  17 MR SW LEE: According to the statement, you asked Mr Choi to                  18 turn on the switch?                  19 MR TONG HING LUN: Right.                  20 MR SW LEE: Here it says:                  21 "Choi Kam Lung went to the rooftop of each block,                  22 turned on the gate valve of the FS tank for me to test,                  23 but I did not see any water coming out of the FS hose,                  24 so I, [that is Mr Tong, you], went to Wang Yan House,                  25 Wang Tao House and Wang Sun House to check the FS tank</p>	<p>1 MR TONG HING LUN: Right.                  2 MR SW LEE: Turning them on would not be of any use because                  3 there was no water in the tanks.                  4 MR TONG HING LUN: Right.                  5 MR SW LEE: We know that in the normal course of business,                  6 when there is no water in the tank, the transfer pump                  7 will switch to a different tank because the upfeed pump                  8 or transfer pump and the hose reel worked as one, right,                  9 normally?                  10 MR TONG HING LUN: Right.                  11 MR SW LEE: When you found there was no water in any of the                  12 three tanks, you did not see automatic filling of water;                  13 right?                  14 MR TONG HING LUN: I did not follow up.                  15 MR SW LEE: You did not follow up, which means you did not                  16 go to the pump room to see if the upfeed pump was broken                  17 or turned off or whatever?                  18 MR TONG HING LUN: Right.                  19 MR SW LEE: You continue to say that:                  20 "Afterwards, I asked questions of Mr Lam, the person                  21 in charge of the works of Wang Fuk Court."                  22 I understand that to be Mr Lam Man Yan.                  23 MR TONG HING LUN: Right.                  24 MR SW LEE: Did you know his full name at that time?                  25 MR TONG HING LUN: No.</p>
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<p>1 on the rooftop as well as the gate valve of the FS                  2 tank."                  3 At that time, you realised that there was no water                  4 in the FS tank of the three blocks. You reckon that                  5 there were tiling work conducted in the tank. When you                  6 went up, you did not just test the gate valve, you went                  7 up to the three blocks, opened the FS tank and checked                  8 and found that there was no water?                  9 MR TONG HING LUN: Right.                  10 MR SW LEE: What condition were these tanks in? Not a drop                  11 of water? A small amount?                  12 MR TONG HING LUN: Not a drop.                  13 MR SW LEE: You said you reckon it seemed that there were                  14 tiling work conducted. Why would you say that?                  15 MR TONG HING LUN: Because the tiles were brand new. In one                  16 of the tanks there were tools.                  17 MR SW LEE: What tools?                  18 MR TONG HING LUN: A bucket.                  19 MR SW LEE: With?                  20 MR TONG HING LUN: Hammers and other stuff.                  21 MR SW LEE: On 16 October, when you checked the rooftop                  22 tanks of the three blocks, all three of them had                  23 undergone tiling work; right?                  24 MR TONG HING LUN: Right.                  25 MR SW LEE: I think you had checked the gate valve as well.</p>	<p>1 MR SW LEE: Did you know he was the person in charge of the                  2 works?                  3 MR TONG HING LUN: Yes, I knew.                  4 MR SW LEE: Before this occasion, in previous works, before                  5 the annual inspection, before 2025, did you know of this                  6 person?                  7 MR TONG HING LUN: No.                  8 MR SW LEE: It was only in 2025 that you knew of him?                  9 MR TONG HING LUN: Right.                  10 MR SW LEE: How do you approach him?                  11 MR TONG HING LUN: I went to the management office and                  12 I asked security guard to speak to a manager. I planned                  13 to ask him why there was no water in the tank. That's                  14 what happened.                  15 MR SW LEE: You went to see Mr Lam personally or what?                  16 MR TONG HING LUN: I asked a security guard to inform him.                  17 MR SW LEE: Then Mr Lam, the person in charge, came out, you                  18 asked him and he said there was no water in the water                  19 tank?                  20 MR TONG HING LUN: Right.                  21 MR SW LEE: Did he explain to you why that was the case?                  22 MR TONG HING LUN: He said the FS -- there was rectification                  23 work done at the FS tank, hence no water.                  24 MR SW LEE: He said rectification work or did he elaborate                  25 on what kind of works or other reasons?</p>

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<p>1 MR TONG HING LUN: I did not ask.</p> <p>2 MR SW LEE: Go back to the time when you went up to the</p> <p>3 rooftop to check the tanks of the three blocks. You</p> <p>4 went up, you could not do the test, you went up</p> <p>5 personally to check. Well, there's a water outlet from</p> <p>6 the pipes, right, where water would come out; right?</p> <p>7 MR TONG HING LUN: Water outlet?</p> <p>8 MR SW LEE: There's a pipe where water would come out.</p> <p>9 MR TONG HING LUN: I actually did not know where it was.</p> <p>10 MR SW LEE: Your boss is Mr Chung.</p> <p>11 MR TONG HING LUN: Yes.</p> <p>12 MR SW LEE: You've been to Wang Fuk Court to do</p> <p>13 rectification work on more than one occasion?</p> <p>14 MR TONG HING LUN: Right.</p> <p>15 MR SW LEE: Previously you had done work related to the</p> <p>16 water tank. Did he take you there to explain to you the</p> <p>17 operation of the entire hose reel system?</p> <p>18 MR TONG HING LUN: I knew about it somewhat.</p> <p>19 MR SW LEE: My question was whether there was anyone</p> <p>20 officially gave you any induction training? Well, you</p> <p>21 are not a registered FSI contractor. You are only</p> <p>22 a plumber.</p> <p>23 MR TONG HING LUN: Right.</p> <p>24 MR SW LEE: Did you receive any training when you started</p> <p>25 the job, say, for example, in relation to an FS system,</p>	<p>1 that, apart from the water supply pipe and the water</p> <p>2 pipe that drains the tank, were there any alterations,</p> <p>3 connections to flushing water system, potable water</p> <p>4 system?</p> <p>5 MR TONG HING LUN: I did not notice anything like that.</p> <p>6 MR SW LEE: That's why you did not know whether there were</p> <p>7 any such alterations?</p> <p>8 MR TONG HING LUN: Right.</p> <p>9 MR SW LEE: Paragraph 6. You talk about what happened on</p> <p>10 the next day, 17 October. You and your colleague went</p> <p>11 to deal with the other five blocks; right?</p> <p>12 MR TONG HING LUN: Right.</p> <p>13 MR SW LEE: Similarly, you turned off the gate valve, did</p> <p>14 the replacement and then tried to test the replaced</p> <p>15 parts; right?</p> <p>16 MR TONG HING LUN: Right.</p> <p>17 MR SW LEE: Similarly, you realised that when the gate valve</p> <p>18 was turned back on the test could not be done because</p> <p>19 there was no water coming in?</p> <p>20 MR TONG HING LUN: Right.</p> <p>21 MR SW LEE: First thing, looking at the two paragraphs</p> <p>22 together, you personally went to check if there was</p> <p>23 water in the water tank.</p> <p>24 MR TONG HING LUN: Right.</p> <p>25 MR SW LEE: That only happened on the first day, that is the</p>
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<p>1 what the system involved and how it worked?</p> <p>2 MR TONG HING LUN: Yes, I received the training.</p> <p>3 MR SW LEE: In relation to rooftop FS tank, did you receive</p> <p>4 similar training?</p> <p>5 MR TONG HING LUN: Yes.</p> <p>6 MR SW LEE: If that's the case, can you tell us, when it</p> <p>7 comes to upfeed pump there is the system to fill the</p> <p>8 water tank, there is a ballcock inside?</p> <p>9 MR TONG HING LUN: Yes.</p> <p>10 MR SW LEE: What else was there in the tank?</p> <p>11 MR TONG HING LUN: There is the gate valve.</p> <p>12 MR SW LEE: That's connected to the hose reel system?</p> <p>13 MR TONG HING LUN: Right.</p> <p>14 MR SW LEE: If I were to repair the tank, I had to drain the</p> <p>15 water.</p> <p>16 MR TONG HING LUN: Right.</p> <p>17 MR SW LEE: How would I drain the water?</p> <p>18 MR TONG HING LUN: There is another gate valve to drain the</p> <p>19 water.</p> <p>20 MR SW LEE: So there should be one that drains the tank, a</p> <p>21 pipe?</p> <p>22 MR TONG HING LUN: Right.</p> <p>23 MR SW LEE: You have to turn it on to drain the tank?</p> <p>24 MR TONG HING LUN: Right.</p> <p>25 MR SW LEE: When you check the water tank, did you notice</p>	<p>1 16th?</p> <p>2 MR TONG HING LUN: Right.</p> <p>3 MR SW LEE: Out of the eight blocks, you only checked three?</p> <p>4 MR TONG HING LUN: Right.</p> <p>5 MR SW LEE: On the second day, when you realised that there</p> <p>6 was no water coming into the water tank of the five</p> <p>7 blocks, you did not personally go up to see what</p> <p>8 happened to the water tank; right?</p> <p>9 MR TONG HING LUN: Right.</p> <p>10 MR SW LEE: According to what you said, on this day you</p> <p>11 didn't even ask because, according to you, on the</p> <p>12 previous day, Mr Lam had already told you that there was</p> <p>13 no water in the eight tanks because of the maintenance</p> <p>14 work; right?</p> <p>15 MR TONG HING LUN: Right.</p> <p>16 MR SW LEE: That's why you did not go to the management</p> <p>17 office to ask anyone whether there was no water for the</p> <p>18 five blocks?</p> <p>19 MR TONG HING LUN: Right.</p> <p>20 MR SW LEE: Then I have a question to ask because I don't</p> <p>21 understand. On the 17th, after replacing the parts of</p> <p>22 the five blocks, according to you, you knew that there</p> <p>23 would not be any water.</p> <p>24 MR TONG HING LUN: Right.</p> <p>25 MR SW LEE: Why did you ask Mr Choi to go up to turn on the</p>

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<p>1 gate valve?</p> <p>2 MR TONG HING LUN: Just to be on the safe side, because</p> <p>3 I had turned them off so they had to be turned back on.</p> <p>4 MR SW LEE: Knowing full well that you could not do the</p> <p>5 test; right?</p> <p>6 MR TONG HING LUN: That's part of the procedure.</p> <p>7 MR SW LEE: That aside, you knew on the 17th that it would</p> <p>8 be meaningless to do that because, according to you, you</p> <p>9 already knew the previous day that there would not be</p> <p>10 any water in the eight blocks; right?</p> <p>11 MR TONG HING LUN: Right.</p> <p>12 MR SW LEE: You said on the first day, on the 16th, you</p> <p>13 reported to Mr Chung about it; right?</p> <p>14 MR TONG HING LUN: Right.</p> <p>15 MR SW LEE: What instructions did Mr Chung give you? You</p> <p>16 told him that there was no water for the eight blocks.</p> <p>17 You asked what you were supposed to do. What did he</p> <p>18 say?</p> <p>19 MR TONG HING LUN: He asked me to ask Mr Lam whether there</p> <p>20 was any submissions done.</p> <p>21 MR SW LEE: You knew what submissions mean; right?</p> <p>22 MR TONG HING LUN: Right.</p> <p>23 MR SW LEE: What did Mr Lam say?</p> <p>24 MR TONG HING LUN: He said submissions have been made.</p> <p>25 MR SW LEE: You asked whether submissions have been made, he</p>	<p>1 MR TONG HING LUN: I'm not sure.</p> <p>2 MR SW LEE: It seems there's been tiling works done to the</p> <p>3 water tank. You wouldn't know what the tiling works was</p> <p>4 done, am I right? So you don't know what the meaning of</p> <p>5 the sign is?</p> <p>6 MR TONG HING LUN: Right.</p> <p>7 MR SW LEE: 6821, this seems to be about a transfer tank on</p> <p>8 the ground floor.</p> <p>9 MR TONG HING LUN: Right.</p> <p>10 MR SW LEE: Similarly, you wouldn't have come across this</p> <p>11 before 2025, you wouldn't be able to tell when the</p> <p>12 tiling works was done?</p> <p>13 MR TONG HING LUN: Correct.</p> <p>14 MR SW LEE: 6822, Wang Tai House, block E, flat roof.</p> <p>15 Similarly, you wouldn't be able to tell what the</p> <p>16 condition was on 16 or 17 October 2025?</p> <p>17 MR TONG HING LUN: Correct.</p> <p>18 MR SW LEE: 6824, this is Wang Cheong House, flat roof. It</p> <p>19 says "Water testing" here. This is not very clear. If</p> <p>20 you go to 6825, this is a ground floor water tank.</p> <p>21 There seems to be tiling done. Similarly, you wouldn't</p> <p>22 be able to tell what the condition of the tank was on</p> <p>23 the 16th or 17th?</p> <p>24 MR TONG HING LUN: Correct.</p> <p>25 MR SW LEE: If this is the case, let's go to 6829.</p>
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<p>1 said yes, and then what?</p> <p>2 MR TONG HING LUN: I notified Mr Chung.</p> <p>3 MR SW LEE: Did Mr Chung give you any further instructions?</p> <p>4 MR TONG HING LUN: No.</p> <p>5 MR SW LEE: That was the 16th. You knew that you could only</p> <p>6 do the replacement work without doing the tests. Did he</p> <p>7 give you further instructions as to whether the work was</p> <p>8 to be conducted the next day?</p> <p>9 MR TONG HING LUN: Work was to be conducted the next day.</p> <p>10 MR SW LEE: On the 17th, that is the next day, you did not</p> <p>11 go to the pump room to see if the upfeed pump was turned</p> <p>12 off?</p> <p>13 MR TONG HING LUN: I did not go there, right.</p> <p>14 MR SW LEE: Let me quickly go to another point. You were</p> <p>15 one of the people who checked the water tank. I'd like</p> <p>16 to show you some photos. H6, page 6820. There are some</p> <p>17 photos showing the inside of the water tank. Can you</p> <p>18 confirm, that is on 16 October, what you saw about the</p> <p>19 water tank, or before that day, whether you have seen</p> <p>20 a similar situation in relation to the water tank?</p> <p>21 If we accept what the text says to be true, it seems</p> <p>22 it is Wang Kin House, block D, a water tank on the</p> <p>23 rooftop.</p> <p>24 Before 2025 have you ever come across the water tank</p> <p>25 in Wang Kin House?</p>	<p>1 According to what's on the paper, this is block A,</p> <p>2 Wang Yan House. That is, according to you, you should</p> <p>3 have taken a look at it on 16 October. This is the tank</p> <p>4 on the flat roof. You said that on 16 October you went</p> <p>5 up to the flat roof to look at the tank. Was the</p> <p>6 condition the same as it is here?</p> <p>7 MR TONG HING LUN: Not the same.</p> <p>8 MR SW LEE: What's the difference?</p> <p>9 MR TONG HING LUN: When I went up on the 16th, there was no</p> <p>10 water in the water tank and tiling works had already</p> <p>11 been done. It seems that there was no tiling works done</p> <p>12 in the tank on the photo.</p> <p>13 MR SW LEE: So on this photo you see that the tiling works</p> <p>14 weren't done, is that what you mean?</p> <p>15 MR TONG HING LUN: Correct.</p> <p>16 MR SW LEE: Here it says "Before water drainage". If you</p> <p>17 enlarge this photo, on the side it seems it's still in</p> <p>18 cement.</p> <p>19 MR TONG HING LUN: Right.</p> <p>20 MR SW LEE: So it's before the tiling works?</p> <p>21 MR TONG HING LUN: As far as I understand, the walls of the</p> <p>22 FS water tank should not be this clear. It's too white</p> <p>23 for me.</p> <p>24 MR SW LEE: White? Clear? It has nothing to do with</p> <p>25 whether tiling works have been done.</p>

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<p>1 MR TONG HING LUN: True. When I went up on the 16th tiling                  2 work has been done to the tank.                  3 MR SW LEE: On this paper it says "Before water drainage,                  4 3 November". It seems to us that the tiling works have                  5 not been done, but according to you, the description on                  6 the paper is not accurate?                  7 MR TONG HING LUN: Correct.                  8 MR SW LEE: You've never looked at the ground floor water                  9 tank?                  10 MR TONG HING LUN: Right.                  11 MR SW LEE: If you go to 6830, this is obviously a tiled                  12 water tank at Wang Yan House.                  13 MR TONG HING LUN: Correct.                  14 MR SW LEE: You looked at Wang Tao House.                  15 MR TONG HING LUN: Yes.                  16 MR SW LEE: This is 29 September. It seems tiling work has                  17 been done. When you went there on 16 October, apart                  18 from the fact whether there is any water, it seems that                  19 tiling work has been done?                  20 MR TONG HING LUN: Can you go up a little bit? I can't see.                  21 MR SW LEE: 6831. Wang Tao, "R/F" means roof floor, tiling                  22 work has been done, 29 September, "Water culture".                  23 According to your evidence, you said that there was no                  24 water on that day. Was the interior wall the same as                  25 what's in the photo, tiling work has been done?</p>	<p>1 rectification works, without the electrician?                  2 MR TONG HING LUN: For water tanks we have to work in pair.                  3 MR SW LEE: But you don't remember going there for                  4 rectification works of water tank or water supply                  5 systems in May?                  6 MR TONG HING LUN: No.                  7 MR SW LEE: I have no further questions.                  8 THE HON MR JUSTICE DAVID LOK: Other involved parties?                  9 MR RICHARD KHAW: Chairman, I have a few questions.                  10 Examination by MR RICHARD KHAW                  11 MR RICHARD KHAW: Mr Tong, just now Counsel Lee from the                  12 Committee talked to you about what happened on                  13 16 October 2025, that is the day when you discovered                  14 there was no water in the FS water tank. You met with                  15 Manager Lam from the management office, remember?                  16 MR TONG HING LUN: Yes.                  17 MR RICHARD KHAW: In your witness statement, including in                  18 the statement you provided to the Committee and the                  19 police you talked about this, that is on 16 October 2025                  20 you talked to Manager Lam. You remember that?                  21 MR TONG HING LUN: Yes.                  22 MR RICHARD KHAW: You confirmed that in your exchange with                  23 Manager Lam, Mr Lam told you that because there was                  24 works with the water tank, that's why water has to be                  25 drained from the FS water tank. That's what he said to</p>
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<p>1 MR TONG HING LUN: Yes.                  2 MR SW LEE: If you go to 6834, similarly, this is Wang Sun                  3 House, ground floor, FS water tank. You've never taken                  4 a look at it?                  5 MR TONG HING LUN: No.                  6 MR SW LEE: Apart from talking to Manager Lam from the                  7 management office, asking him about the repair of water                  8 tank, submissions of SDN, have you come across any other                  9 people from the management office, have you talked to                  10 them?                  11 MR TONG HING LUN: No.                  12 MR SW LEE: In October 2025, was it the first time when you                  13 did renovation works at Wang Fuk Court?                  14 MR TONG HING LUN: Correct.                  15 MR SW LEE: In April 2025, did you do it?                  16 MR TONG HING LUN: Probably not.                  17 MR SW LEE: Probably not. If you're talking about                  18 rectification works at water tank, repair of mains,                  19 according to your experience working with Victory Fire,                  20 apart from you, would there be any other of your                  21 colleagues who would go there for the rectification                  22 works? Were you the only one who would go for                  23 rectifications at Wang Fuk Court.                  24 MR TONG HING LUN: The plumber.                  25 MR SW LEE: So sometimes only you, the plumber, would go for</p>	<p>1 you?                  2 MR TONG HING LUN: Correct.                  3 MR RICHARD KHAW: Just now, when you answered Counsel Lee,                  4 you said that after he talked to you, you didn't follow                  5 up on the details of the works. Do you agree with that?                  6 MR TONG HING LUN: Yes.                  7 MR RICHARD KHAW: When you answered Counsel Lee just now,                  8 you said that apart from 16 October, that is the                  9 exchange between you and Mr Lam, Mr Lam talked to you                  10 about the submission of SDN?                  11 MR TONG HING LUN: Yes.                  12 MR RICHARD KHAW: He told you about that?                  13 MR TONG HING LUN: Correct.                  14 MR RICHARD KHAW: Do you remember when he talked to you                  15 about the submissions, 16th or 17th?                  16 MR TONG HING LUN: 16th.                  17 MR RICHARD KHAW: That is the same day?                  18 MR TONG HING LUN: Correct.                  19 MR RICHARD KHAW: That is he said that because of the works,                  20 we have to drain the water from the FS water tank and                  21 the submissions, he told you this too on the same day?                  22 MR TONG HING LUN: Correct.                  23 MR RICHARD KHAW: So apart from this exchange, you've never                  24 talked to Mr Lam about what happened with the FS water                  25 tank?</p>

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1 MR TONG HING LUN: No.  
 2 MR RICHARD KHAW: Your boss, Mr Chung, has never instructed  
 3 you to talk to the management office about the water  
 4 tank; correct?  
 5 MR TONG HING LUN: Correct.  
 6 MR RICHARD KHAW: And your company did not instruct you to  
 7 ask the management office about the details of the  
 8 submissions?  
 9 MR TONG HING LUN: No.  
 10 MR RICHARD KHAW: My second question. After the fire broke  
 11 out, that is after 26 November, we all know that when  
 12 the fire broke out the fire alarm did not ring and there  
 13 was no water in the fire hose reel.  
 14 After the fire broke out, the boss of Victory Fire,  
 15 Mr Chung, did he review with you the rectification works  
 16 of Wang Fuk Court? Has he ever talked to you about  
 17 that?  
 18 MR TONG HING LUN: No.  
 19 MR RICHARD KHAW: I have no further questions. Thank you.  
 20 THE HON MR JUSTICE DAVID LOK: Any other involved parties  
 21 would like to put questions? Counsel Suen.  
 22 MR JENKIN SUEN: I have a few questions for clarification  
 23 from Mr Tong.  
 24 Examination by MR JENKIN SUEN  
 25 MR JENKIN SUEN: Good morning. You have given two witness

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1 statements, one with the police that is shown on the  
 2 screen now. In paragraph 5 of the statement, you said  
 3 that on 16 October you talked to your boss, Mr Chung,  
 4 about what happened and on the same day you left. The  
 5 last two lines of paragraph 5.  
 6 MR TONG HING LUN: Right.  
 7 MR JENKIN SUEN: You did not specifically talk about your  
 8 asking Mr Lam about the submission. I'd like to refer  
 9 you to two other documents, one of which is your witness  
 10 statement. It's at WS2. The relevant paragraph is at  
 11 page 1542. Similarly, paragraph 5. You did not  
 12 specifically talk about your asking Mr Lam about the  
 13 submissions.  
 14 Let's look at another document before I put my  
 15 question, that is Mr Chung's witness statement. The  
 16 relevant paragraph is at WS2/1529, paragraph 5. It  
 17 talks about Mr Tong Siu Ming and Mr Choi Kam Lung going  
 18 to Wang Fuk Court and you did not ask him about the  
 19 submission.  
 20 Let's look at another paragraph, page 1530,  
 21 paragraph 8, the last two lines. On 19 November,  
 22 Mr Chung said that Ms Cheng, that is Ms Cheng from the  
 23 management office, said that she has submitted the SDN  
 24 to the Fire Services Department. In your two witness  
 25 statements and Mr Chung's witness statement there is no

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1 mention of asking Mr Lam about the submissions of SDN on  
 2 the 19th. Can you explain why at that time you did not  
 3 mention this in the two witness statements and you only  
 4 remember it now?  
 5 MR TONG HING LUN: When I made the statement, I did not  
 6 mention that, so I did not remember it.  
 7 MR JENKIN SUEN: So you recall it only when we ask you about  
 8 it?  
 9 MR TONG HING LUN: Correct.  
 10 MR JENKIN SUEN: Thank you, chairman. I have no further  
 11 questions.  
 12 THE HON MR JUSTICE DAVID LOK: Any other questions from any  
 13 other involved parties?  
 14 MR SOLOMON LAM: No further questions.  
 15 THE HON MR JUSTICE DAVID LOK: Mr Tong, you have finished  
 16 your testimony. You may leave now.  
 17 (The witness was released)  
 18 (10.34 am)  
 19 MR CHUNG KIT MAN (recalled)  
 20 Examination by MR SW LEE  
 21 MR SW LEE: Chairman, the next witness is Mr Chung Kit Man.  
 22 Mr Chung, you gave your evidence last time, we'd  
 23 like your further assistance on some other subjects.  
 24 MR CHUNG KIT MAN: Right.  
 25 MR SW LEE: That is the 57-minute phone conversation, we

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1 asked you if you were able to give us WhatsApp records.  
 2 We have collected the relevant information from your  
 3 legal representative. You submitted another witness  
 4 statement to the Committee; do you remember that?  
 5 MR CHUNG KIT MAN: Yes.  
 6 MR SW LEE: I believe you gave your statement to the best of  
 7 your knowledge and information?  
 8 MR CHUNG KIT MAN: Correct.  
 9 MR SW LEE: I will come back to the 57-minute conversation  
 10 later on.  
 11 MR CHUNG KIT MAN: Okay.  
 12 MR SW LEE: My first question is about the fire services  
 13 system.  
 14 MR CHUNG KIT MAN: Right.  
 15 MR SW LEE: Last time we have covered the upfeed pump, the  
 16 hose reel system. I will not repeat them.  
 17 We need to understand why the system was shut down,  
 18 we need to know if there were any human errors involved.  
 19 This time I'd like to ask you about the fire  
 20 hydrant. I'd like to refer you to R1, page 194.  
 21 If you look at the upper-left photo -- to save time  
 22 I will tell you my understanding.  
 23 MR CHUNG KIT MAN: Right.  
 24 MR SW LEE: If you do not agree, if you have anything to  
 25 add, please let us know.

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<p>1 MR CHUNG KIT MAN: Right.</p> <p>2 MR SW LEE: At the upper-left corner we see a fire inlet; is</p> <p>3 that right?</p> <p>4 MR CHUNG KIT MAN: Correct.</p> <p>5 MR SW LEE: According to my understanding, this device</p> <p>6 exists at the ground floor in each block of Wang Fuk</p> <p>7 Court?</p> <p>8 MR CHUNG KIT MAN: Correct.</p> <p>9 MR SW LEE: If you go to page 193, this is a public space.</p> <p>10 At the lower-left corner on the right-hand side, we see</p> <p>11 a fire hydrant; right?</p> <p>12 MR CHUNG KIT MAN: Correct.</p> <p>13 MR SW LEE: The operation of a fire hydrant is that if the</p> <p>14 hose reel, that is the system on the flat roof, is for</p> <p>15 residents to save themselves when the fire first broke</p> <p>16 out?</p> <p>17 MR CHUNG KIT MAN: Yes, you may say that.</p> <p>18 MR SW LEE: The fire services trade would use that too. If</p> <p>19 the fire got worse and if the firefighters were at the</p> <p>20 block to put out fire, the firefighters would first</p> <p>21 obtain water from the town main; right?</p> <p>22 MR CHUNG KIT MAN: Correct.</p> <p>23 MR SW LEE: And then they would connect the hose to the</p> <p>24 inlet at page 194?</p> <p>25 MR CHUNG KIT MAN: Correct.</p>	<p>1 MR SW LEE: So the entire fire services system, the water</p> <p>2 does not come from the flat roof water tank; am</p> <p>3 I correct?</p> <p>4 MR CHUNG KIT MAN: I have something to add. The fire</p> <p>5 hydrant at the town main should be connected with the</p> <p>6 fire services appliance. The water tank at the flat</p> <p>7 roof is for use when the fire first broke out.</p> <p>8 MR SW LEE: So the water tank on the flat roof will supply</p> <p>9 water to the fire hydrant?</p> <p>10 MR CHUNG KIT MAN: Correct, yes.</p> <p>11 MR SW LEE: So for the booster pump, if you do not turn it</p> <p>12 on, the initial supply of water, it relies on the water</p> <p>13 from the rooftop; is that correct?</p> <p>14 MR CHUNG KIT MAN: Yes.</p> <p>15 MR SW LEE: Using gravity, water flowing from up downwards.</p> <p>16 MR CHUNG KIT MAN: Yes, correct.</p> <p>17 MR SW LEE: I asked you this question on the last occasion.</p> <p>18 Now, I know more about the operation of the fire</p> <p>19 hydrant. If I need to drain the water tank on the</p> <p>20 rooftop, whatever reason, if I need to drain the water</p> <p>21 tank, I do not need to turn off the booster pump; is</p> <p>22 that correct?</p> <p>23 MR CHUNG KIT MAN: Correct. Last time I said practically,</p> <p>24 it's like that.</p> <p>25 MR SW LEE: Yes. Well, what about people who switch it off</p>
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<p>1 MR SW LEE: If we enlarge the upper-left photo, we see there</p> <p>2 are some buttons and some lights.</p> <p>3 MR CHUNG KIT MAN: Right.</p> <p>4 MR SW LEE: In the middle it says "FS pump running".</p> <p>5 MR CHUNG KIT MAN: Right.</p> <p>6 MR SW LEE: So if the pump is in operation, I believe that</p> <p>7 this signal would be on.</p> <p>8 MR CHUNG KIT MAN: If you press the green button, then</p> <p>9 it would start running.</p> <p>10 MR SW LEE: That's what I want to say: this fire inlet</p> <p>11 should be connected to the booster pump; right?</p> <p>12 MR CHUNG KIT MAN: Yes, they share it.</p> <p>13 MR SW LEE: So if the booster pump -- well, in normal</p> <p>14 operation, is at reserve mode?</p> <p>15 MR CHUNG KIT MAN: Correct.</p> <p>16 MR SW LEE: But normally it would not run on its own?</p> <p>17 MR CHUNG KIT MAN: Correct.</p> <p>18 MR SW LEE: If unfortunately there is a fire then the</p> <p>19 firefighters would connect the hose to the fire inlet</p> <p>20 and they would press the pump and turn it on?</p> <p>21 MR CHUNG KIT MAN: Correct.</p> <p>22 MR SW LEE: So the booster pump would add pressure to the</p> <p>23 water at the town main and the fire hydrant would be</p> <p>24 supplied with water then?</p> <p>25 MR CHUNG KIT MAN: Correct.</p>	<p>1 by mistake?</p> <p>2 MR CHUNG KIT MAN: No, that's not the case. When you switch</p> <p>3 off the pump, there might be a false alarm. One,</p> <p>4 someone presses this button or someone breaks the</p> <p>5 break-glass unit. When there is no water in the tank,</p> <p>6 the fire pump would run without water and this would</p> <p>7 cause problems.</p> <p>8 MR SW LEE: When you replace the BGU or replace the fire</p> <p>9 alarm system, that is when why you need to turn off the</p> <p>10 entire fire alarm system; correct?</p> <p>11 MR CHUNG KIT MAN: No. When someone drains the water tank,</p> <p>12 someone also needs to switch off the booster pump</p> <p>13 because of the two reasons I mentioned.</p> <p>14 MR SW LEE: When someone drains the water, that would not</p> <p>15 affect the BGU but that would lead to a false alarm?</p> <p>16 MR CHUNG KIT MAN: Correct.</p> <p>17 MR SW LEE: Well, what if you drain the water tank --</p> <p>18 MR CHUNG KIT MAN: There would be a false alarm as well,</p> <p>19 correct.</p> <p>20 MR SW LEE: From where I live, when the weather is humid,</p> <p>21 that would be affected.</p> <p>22 MR CHUNG KIT MAN: Yes. We don't want to damage the pump</p> <p>23 when there is a false alarm.</p> <p>24 MR SW LEE: But you would not switch off the entire fire</p> <p>25 alarm system; is that correct?</p>

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1 MR CHUNG KIT MAN: Practically, they deal with it this way.  
 2 MR SW LEE: In fact, or usually, what I asked you was from  
 3 the perspective of technicality.  
 4 MR CHUNG KIT MAN: Right.  
 5 MR SW LEE: There wasn't -- it wasn't necessary to switch it  
 6 off; is that correct?  
 7 MR CHUNG KIT MAN: Not necessary, correct.  
 8 MR SW LEE: All right. I've finished the questions on the  
 9 fire hydrant.  
 10 As for the checklist for the annual inspection --  
 11 MR CHUNG KIT MAN: Right.  
 12 MR SW LEE: -- as I asked you last time, I pointed you for  
 13 Wang Yan and Wang Chi House. I asked you about the FS  
 14 water tank. You said part of it had problems but it  
 15 wasn't said that they needed to be repaired; you  
 16 remember?  
 17 MR CHUNG KIT MAN: I remember.  
 18 MR SW LEE: And you said you didn't understand why Mr Wong  
 19 would put ticks there.  
 20 After the conclusion of the day of the public  
 21 hearing, did you ask Mr Wong, "Why did you put a tick  
 22 there?"  
 23 MR CHUNG KIT MAN: Well, mistakes.  
 24 MR SW LEE: So how did he answer you "mistakes"? His own?  
 25 MR CHUNG KIT MAN: Correct.

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1 MR SW LEE: So he confirmed there wasn't any problem; is  
 2 that correct?  
 3 MR CHUNG KIT MAN: No problem.  
 4 MR SW LEE: So for the eight blocks he couldn't explain why  
 5 that would happen to just two blocks?  
 6 MR CHUNG KIT MAN: Correct.  
 7 MR SW LEE: We talked about the checklist of the annual  
 8 inspection. You said when filing 251 they didn't have  
 9 to be submitted to the FSD; you remember?  
 10 MR CHUNG KIT MAN: Yes.  
 11 MR SW LEE: But you said that would have to be kept for  
 12 seven years --  
 13 MR CHUNG KIT MAN: Right.  
 14 MR SW LEE: -- lest the FSD might conduct surprise checks?  
 15 MR CHUNG KIT MAN: Correct.  
 16 MR SW LEE: For Wang Fuk Court, Victory Fire, from 2016, bar  
 17 one year, for nine years, Victory Fire was responsible  
 18 for the annual inspections?  
 19 MR CHUNG KIT MAN: Correct.  
 20 MR SW LEE: Did the FSD conduct any surprise checks on the  
 21 checklist for annual inspections?  
 22 MR CHUNG KIT MAN: No.  
 23 MR SW LEE: Not even once?  
 24 MR CHUNG KIT MAN: No.  
 25 MR SW LEE: Of course you don't just work on Wang Fuk Court.

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1 What about other housing estates, did you conduct annual  
 2 inspections for other housing estates?  
 3 MR CHUNG KIT MAN: No -- well, yes.  
 4 MR SW LEE: So for other blocks there are these checklists  
 5 as well?  
 6 MR CHUNG KIT MAN: Yes.  
 7 MR SW LEE: Based on your own experience, for other blocks,  
 8 did the FSD conduct any surprise checks?  
 9 MR CHUNG KIT MAN: No. Because these checklists are rather  
 10 new, in the recent few years.  
 11 MR SW LEE: When exactly?  
 12 MR CHUNG KIT MAN: I don't recall the exact year. They came  
 13 one after one. It should be from 2022 or 2020. A very  
 14 thick pile just for Wang Fuk Court, a very thick pile.  
 15 MR SW LEE: I'm not asking about how thick the pile.  
 16 You are a registered FSI contractor so I'd like to  
 17 ask about your experience. In three to four years, the  
 18 FSD didn't conduct any surprise checks to check the  
 19 checklist, right; that is what you said?  
 20 MR CHUNG KIT MAN: Correct.  
 21 MR SW LEE: On to another issue, about what happened after  
 22 the annual inspections.  
 23 MR CHUNG KIT MAN: Right.  
 24 MR SW LEE: For the evidence on the last occasion, we heard  
 25 from you and the witnesses from Victory Fire. The

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1 annual inspections finished in March, pipe works in  
 2 October, and then in November electricity work; right?  
 3 MR CHUNG KIT MAN: Right.  
 4 MR SW LEE: But that is not correct.  
 5 MR CHUNG KIT MAN: Right. There was work in between.  
 6 MR SW LEE: March, finished annual inspections. On 3 April  
 7 the tank needed to be repaired.  
 8 MR CHUNG KIT MAN: Correct.  
 9 MR SW LEE: Let's take a look at the new documents you  
 10 provided to us, R5, page 1146. This is FS251?  
 11 MR CHUNG KIT MAN: Correct.  
 12 MR SW LEE: We can see A9705473.  
 13 MR CHUNG KIT MAN: Right.  
 14 MR SW LEE: And we can see block A, Wang Yan House of  
 15 Wang Fuk Court.  
 16 MR CHUNG KIT MAN: Yes.  
 17 MR SW LEE: Let's take a look at part 2. Here we can see  
 18 fire hose and hydrant system.  
 19 MR CHUNG KIT MAN: Yes.  
 20 MR SW LEE: There are issues of the whole block.  
 21 MR CHUNG KIT MAN: Yes. Well, to check the whole block.  
 22 MR SW LEE: Let's move on to part 3 about defects. On the  
 23 3rd floor, defective fire service upfeed pump pipe.  
 24 MR CHUNG KIT MAN: Right.  
 25 MR SW LEE: And then "FS tank"; is that the rooftop one?

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1 MR CHUNG KIT MAN: Yes.  
 2 MR SW LEE: "Lack of water", does it mean no water?  
 3 MR CHUNG KIT MAN: No, just a lack of water.  
 4 MR SW LEE: As for "Comment on defects", "Need to refill".  
 5 MR CHUNG KIT MAN: Right.  
 6 MR SW LEE: And this document is signed by you, Mr Chung, on  
 7 3 April 2025, this is the date.  
 8 MR CHUNG KIT MAN: Correct.  
 9 MR SW LEE: So my first question. Did you go to the site to  
 10 take a look at the pump?  
 11 MR CHUNG KIT MAN: Mr Wong Kin Wa, yes, he did. I did not.  
 12 MR SW LEE: I asked whether you went to the site.  
 13 MR CHUNG KIT MAN: No.  
 14 MR SW LEE: The inspection was only in March?  
 15 MR CHUNG KIT MAN: Right.  
 16 MR SW LEE: As for the defective pipe, any observation?  
 17 MR CHUNG KIT MAN: It burst, the upfeed pump.  
 18 MR SW LEE: Was it done by humans or wear and tear of  
 19 materials?  
 20 MR CHUNG KIT MAN: Well, natural. I took a look at the  
 21 pictures.  
 22 MR SW LEE: Well, no pictures were provided to us so I don't  
 23 have any pictures.  
 24 MR CHUNG KIT MAN: Okay.  
 25 MR SW LEE: When you took a look at the pictures you can say

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1 that there was natural wear and tear?  
 2 MR CHUNG KIT MAN: Correct.  
 3 MR SW LEE: So it didn't happen in just one day. Possibly  
 4 due to the fact that you weren't detailed enough in the  
 5 annual inspections.  
 6 MR CHUNG KIT MAN: Well, there could be no symptoms before  
 7 the pipe burst. No water to the upfeed pump.  
 8 MR SW LEE: Mr Wong, when he came last time, he forgot such  
 9 on incident completely.  
 10 MR CHUNG KIT MAN: All along we have been answering your  
 11 questions.  
 12 MR SW LEE: I just read the documents and these documents  
 13 were only provided to us later.  
 14 MR CHUNG KIT MAN: Right.  
 15 MR SW LEE: I asked you more than once, in March, October,  
 16 November, and last time you answered October/November.  
 17 MR CHUNG KIT MAN: It didn't occur to me. It didn't cross  
 18 my mind.  
 19 MR SW LEE: The annual inspection was conducted in March,  
 20 and then 3 April.  
 21 MR CHUNG KIT MAN: Right.  
 22 MR SW LEE: Page 1147. Mr Wong went to the site and then  
 23 you did the quotation.  
 24 MR CHUNG KIT MAN: Yes.  
 25 MR SW LEE: Who asked you to send people to take a look at

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1 the water issue?  
 2 MR CHUNG KIT MAN: Ms Cheng.  
 3 MR SW LEE: Did Mr Wong tell you regarding the FS water tank  
 4 on the rooftop, lack of water?  
 5 MR CHUNG KIT MAN: Yes.  
 6 MR SW LEE: What was the cause of this situation?  
 7 MR CHUNG KIT MAN: At that time, I discussed and there was  
 8 70 per cent to 80 per cent lack of water and there  
 9 wasn't any refill. There were scaffolding nets and we  
 10 were worried why there was less water. The conclusion  
 11 was that it was possible that some construction workers  
 12 would take water from the pipes. We were worried that  
 13 after we had left the water would become less. That's  
 14 why we filed the SDN.  
 15 Well, I didn't meet Mr Wong, but we talked on the  
 16 phone.  
 17 MR SW LEE: Did you ask or did Mr Wong ask ISS why the fire  
 18 service water tank didn't have any issues after the  
 19 annual inspections but in the end there was an issue?  
 20 MR CHUNG KIT MAN: We just made an assessment based on our  
 21 experience.  
 22 MR SW LEE: If construction workers drew water from the  
 23 water tank, that issue is actually very serious.  
 24 MR CHUNG KIT MAN: I didn't ask him whether it is common or  
 25 not.

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1 MR SW LEE: Isn't this a serious issue?  
 2 MR CHUNG KIT MAN: Yes.  
 3 MR SW LEE: Were inspections done to the upfeed pump as  
 4 well?  
 5 MR CHUNG KIT MAN: No.  
 6 MR SW LEE: You were sure it wasn't due to the upfeed pump?  
 7 MR CHUNG KIT MAN: I guess the upfeed pump had been switched  
 8 off as no water was drawn upwards.  
 9 MR SW LEE: Did Mr Wong take a look at the upfeed pump?  
 10 MR CHUNG KIT MAN: No. I asked.  
 11 MR SW LEE: But that was one entire system.  
 12 MR CHUNG KIT MAN: Correct.  
 13 MR SW LEE: Did Mr Wong ask you to take a look at that as  
 14 well?  
 15 MR CHUNG KIT MAN: Well, we thought that that system -- we  
 16 believe that system had been switched off.  
 17 MR SW LEE: In April?  
 18 MR CHUNG KIT MAN: Yes.  
 19 MR SW LEE: So why this feeling, not about October, about  
 20 the filing of SDN?  
 21 MR CHUNG KIT MAN: At that time, it was in the middle of the  
 22 large-scale renovation works.  
 23 MR SW LEE: Did anyone tell you the upfeed pump had been  
 24 switched off?  
 25 MR CHUNG KIT MAN: We saw that no water was being drawn

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<p>1 upwards.</p> <p>2 MR SW LEE: Probably it wasn't the case that someone had</p> <p>3 switched it off but there was a defect?</p> <p>4 MR CHUNG KIT MAN: If the upfeed pipe burst, then definitely</p> <p>5 there wouldn't be any water being drawn through the</p> <p>6 upfeed pipe. So it was not likely that the pump was in</p> <p>7 defect.</p> <p>8 MR SW LEE: So you didn't go to the upfeed pump because it</p> <p>9 wasn't necessary?</p> <p>10 MR CHUNG KIT MAN: Yes. You may say so.</p> <p>11 MR SW LEE: Page 1147, at the top-left corner to ISS</p> <p>12 EastPoint, Mr Lai or Ms Cheng. Do you recall whether it</p> <p>13 was Mr Lai or Ms Cheng who talked to you about the price</p> <p>14 quote the last time?</p> <p>15 MR CHUNG KIT MAN: Ms Cheng.</p> <p>16 MR SW LEE: Next page, 1148, top-left corner, very small</p> <p>17 words, we can see 22 May 2025, 14:46, the time of the</p> <p>18 fax.</p> <p>19 MR CHUNG KIT MAN: Right.</p> <p>20 MR SW LEE: And there was a signature and a chop of ISS</p> <p>21 EastPoint, "Price quote accepted", and then this</p> <p>22 document was faxed?</p> <p>23 MR CHUNG KIT MAN: Right.</p> <p>24 MR SW LEE: So on 22 May you received notice that you could</p> <p>25 go to conduct renovation works?</p>	<p>1 leakage.</p> <p>2 MR CHUNG KIT MAN: Correct.</p> <p>3 MR SW LEE: On to page 1149. And then you submitted the</p> <p>4 shutdown notice.</p> <p>5 MR CHUNG KIT MAN: Right.</p> <p>6 MR SW LEE: And we can see Wang Yan House at the top-left</p> <p>7 corner, and you ticked "Fire hydrant/fire hose reel</p> <p>8 system".</p> <p>9 MR CHUNG KIT MAN: Right.</p> <p>10 MR SW LEE: Scroll downwards. Part 2. The works would only</p> <p>11 be completed on 28 May.</p> <p>12 MR CHUNG KIT MAN: Right.</p> <p>13 MR VICTOR DAWES:</p> <p>14 MR SW LEE: The complete version is what I can see. For the</p> <p>15 one you submitted to the FSD, part 3 hadn't been filled</p> <p>16 in?</p> <p>17 MR CHUNG KIT MAN: Correct.</p> <p>18 MR SW LEE: So on 15 May, the FSD received this notice.</p> <p>19 MR CHUNG KIT MAN: Well, the extension notice.</p> <p>20 MR SW LEE: Yes. That is part 2.</p> <p>21 MR CHUNG KIT MAN: Correct.</p> <p>22 MR SW LEE: And we can see "FSCC", the chop, and then</p> <p>23 "Updated &amp; checked".</p> <p>24 MR CHUNG KIT MAN: Yes.</p> <p>25 MR SW LEE: After you filed part 2 of the SDN, did staff</p>
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<p>1 THE HON MR JUSTICE DAVID LOK: Excuse me, can I ask. You</p> <p>2 said there was less water. You didn't check the pump</p> <p>3 because you believed that the pump had been switched</p> <p>4 off.</p> <p>5 MR CHUNG KIT MAN: Right.</p> <p>6 THE HON MR JUSTICE DAVID LOK: Why so? Why did you believe</p> <p>7 so?</p> <p>8 MR CHUNG KIT MAN: Well, in the case of a burst pipe, this</p> <p>9 is an urgent situation. In the case of a burst pipe, if</p> <p>10 the pump is left running, that would lead to an issue.</p> <p>11 THE HON MR JUSTICE DAVID LOK: So when you went over, the</p> <p>12 pump had been switched off?</p> <p>13 MR CHUNG KIT MAN: Right.</p> <p>14 THE HON MR JUSTICE DAVID LOK: Why didn't you feel that the</p> <p>15 pump had been switched off, had been damaged?</p> <p>16 MR CHUNG KIT MAN: Well, that was the upfeed pipe. If it</p> <p>17 wasn't operating, there wouldn't be any water drawn</p> <p>18 upwards.</p> <p>19 MR SW LEE: So when the pipe burst, someone would have to</p> <p>20 stop the tank from leaking.</p> <p>21 MR CHUNG KIT MAN: Right.</p> <p>22 MR SW LEE: So you believe it had been switched off.</p> <p>23 MR CHUNG KIT MAN: Right.</p> <p>24 MR SW LEE: So you think that the pump would not -- well,</p> <p>25 someone must have switched off the pump to prevent</p>	<p>1 members of FSD contact you as to why you needed to</p> <p>2 conduct the repairs?</p> <p>3 MR CHUNG KIT MAN: As far as I can recollect, no. No, about</p> <p>4 extension.</p> <p>5 MR SW LEE: So when you filled the document, you faxed the</p> <p>6 document to the FSD?</p> <p>7 MR CHUNG KIT MAN: Well, yes. I submitted on 3 April at</p> <p>8 around 6 pm and then on 4 April the FS called me about</p> <p>9 the switching-off of the system.</p> <p>10 MR SW LEE: Some workers were sent for the repairs?</p> <p>11 MR CHUNG KIT MAN: On 27 May, yes.</p> <p>12 MR SW LEE: Who?</p> <p>13 MR CHUNG KIT MAN: Ah Keung, some sub-contractor.</p> <p>14 MR SW LEE: Not Mr Wong, not Mr Choi?</p> <p>15 MR CHUNG KIT MAN: Correct.</p> <p>16 MR SW LEE: So this worker, Ah Keung, did he handle the</p> <p>17 pump?</p> <p>18 MR CHUNG KIT MAN: No.</p> <p>19 MR SW LEE: It was more than one month apart.</p> <p>20 MR CHUNG KIT MAN: Right.</p> <p>21 MR SW LEE: He needed to make sure that the pump had been</p> <p>22 switched off before the replacement of the pipe.</p> <p>23 MR CHUNG KIT MAN: Right. When I talked to Ms Cheng about</p> <p>24 the price, they recommended for the upfeed system</p> <p>25 we would only replace the pipe. So on 28 May</p>

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<p>1 I WhatsApped her and asked whether the tank had been                  2 filled up, can someone take pictures and send me, and I                  3 can solve it.                  4 MR SW LEE: So Ah Keung completed the repair, replaced the                  5 parts.                  6 MR CHUNG KIT MAN: Right.                  7 MR SW LEE: He did not personally test it or switched on the                  8 pump?                  9 MR CHUNG KIT MAN: No, he did not.                  10 MR SW LEE: Now page 1147. The quotation, 1.2, deals with                  11 drainage of the FS system and refilling work, \$3,000.                  12 Was that done?                  13 MR CHUNG KIT MAN: No.                  14 MR SW LEE: So the tank was not drained. And after the                  15 works, the tank was not filled?                  16 MR CHUNG KIT MAN: No.                  17 MR SW LEE: Whose decision was it, yours or Ah Keung?                  18 MR CHUNG KIT MAN: It was my decision.                  19 MR SW LEE: But you've given a quote for this part.                  20 MR CHUNG KIT MAN: That was a quotation given at the                  21 beginning. It was part of the plan. The quotation was                  22 \$9,000. Later, at the suggestion of the management                  23 office, I knocked \$500 off.                  24 MR SW LEE: The work completed in April. Was there any                  25 further leakage and as to whether there were problems</p>	<p>1 resolved.                  2 MR CHUNG KIT MAN: Right.                  3 MR SW LEE: Page 6802, Ms Cheng asked you when the                  4 rectification work could be done.                  5 MR CHUNG KIT MAN: Right.                  6 MR SW LEE: You said you were busy. You said you had to                  7 work it out. You can see that; right?                  8 MR CHUNG KIT MAN: Right.                  9 MR SW LEE: Now let's scroll down. The record on                  10 22 October. At the very top you see a time stamp 14:48.                  11 It seems to be a message from Ms Cheng who sent a                  12 document to you. If we blow it up, we see that is                  13 issued by the FSD in relation to maintenance work.                  14 MR CHUNG KIT MAN: Right.                  15 MR SW LEE: It's a letter to chase for the completion of the                  16 works.                  17 On the 28th we see the message -- in blue from                  18 Ms Cheng. 14:36, it says:                  19 "Mr Chung, when can arrangement be made for the                  20 rectification?"                  21 MR CHUNG KIT MAN: Right.                  22 MR SW LEE: The messages in white were from you?                  23 MR CHUNG KIT MAN: Yes.                  24 MR SW LEE: On this page you asked whether water was coming                  25 back in, and you said that you could not finish the work</p>
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<p>1 with the pump pipe, no one knew.                  2 MR CHUNG KIT MAN: We saw the photo, we saw the tank was                  3 filled up and we thought it was all right.                  4 MR SW LEE: You saw the pictures, you saw the tank was                  5 filled up, you thought it was okay?                  6 MR CHUNG KIT MAN: Right.                  7 MR SW LEE: I think I have asked all the questions that                  8 I can ask you on this.                  9 There was another topic that we have covered:                  10 a dialogue between yourself and Ms Cheng.                  11 MR CHUNG KIT MAN: Right.                  12 MR SW LEE: You provided WhatsApp records to us. For                  13 clarity, we show you the records from Ms Cheng. H2,                  14 page 6800. We start from there.                  15 H4. It's a record from Ms Cheng, from her phone.                  16 MR CHUNG KIT MAN: Right.                  17 MR SW LEE: At the top, 2 October 2025, it was about when                  18 the rectification work could be done. I think it's                  19 about the quotation; right?                  20 MR CHUNG KIT MAN: The rectification after annual                  21 inspection, right.                  22 MR SW LEE: Rectification of defects.                  23 MR CHUNG KIT MAN: Right.                  24 MR SW LEE: Now let's scroll down to the record on                  25 8 October. It looks like the quotation issues had been</p>	<p>1 without water. You were informed by your colleagues                  2 that there was no water in the tank?                  3 MR CHUNG KIT MAN: On 17 October I asked her.                  4 MR SW LEE: Right.                  5 MR CHUNG KIT MAN: As I said, at 12.06, I called her, I                  6 asked whether there was a submission; she said yes. I                  7 asked for the documentation; she said she had to look                  8 for it. I said, "Okay, then I will wait for the                  9 submission about completion."                  10 MR SW LEE: So on 28 October at 14:37 you asked whether the                  11 tank had been filled yet because you could not complete                  12 the test without water.                  13 MR CHUNG KIT MAN: Right.                  14 MR SW LEE: That's obvious.                  15 MR CHUNG KIT MAN: Right.                  16 MR SW LEE: Let's now look at 6805. At 15:31, a message                  17 from Ms Cheng. It seems to be telling you the tank had                  18 been filled.                  19 MR CHUNG KIT MAN: Right.                  20 MR SW LEE: At 15:31, you said, "Yes".                  21 So you were told that there was water in the tank?                  22 MR CHUNG KIT MAN: Right.                  23 MR SW LEE: Not just that. Now, let's turn to 6806 on                  24 21 November. Now, let's move on to 6807. Another                  25 message was sent to you. It says:</p>

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<p>1 "Mr Chung, these are the pictures showing water in                  2 the FS tank. Could the document be signed for the FS                  3 after the rectification?"                  4 And asked whether the pump has been replaced. You                  5 see 12 photographs.                  6 MR CHUNG KIT MAN: Well, there are actually 15 photographs.                  7 It's three photos plus 12 more.                  8 MR SW LEE: Now let's look at the photos at H6, starting                  9 from page 6820. Did you click to look at the photos?                  10 MR CHUNG KIT MAN: Yes, I did, definitely.                  11 MR SW LEE: Look at them very quickly. Most of the tanks                  12 had been filled.                  13 MR CHUNG KIT MAN: Right. Yes, but the dates show a time                  14 before that.                  15 MR SW LEE: So you had doubts, right? Because according to                  16 the message, it was on 21 November when the photos were                  17 sent but the dates of the photos were of an earlier                  18 time.                  19 MR CHUNG KIT MAN: Right. Can I elaborate?                  20 MR SW LEE: Before that, let me ask you the next question.                  21 As you had doubts, we learned from the timeline that                  22 your colleagues went to do the rectification work on                  23 19 October.                  24 MR CHUNG KIT MAN: Yes.                  25 MR SW LEE: Except the Sunday, from the 19th to the 21st</p>	<p>1 off. I understand -- yes, I understand.                  2 MR SW LEE: Your employer, Ms Cheng, said that some of them                  3 had been filled. She said that the FSI was not tested.                  4 MR CHUNG KIT MAN: Mm.                  5 MR SW LEE: That means you agree?                  6 MR CHUNG KIT MAN: Agree.                  7 MR SW LEE: You said it wasn't the case it wasn't done; it                  8 was not yet done. Do you recall?                  9 MR CHUNG KIT MAN: Yes.                  10 MR SW LEE: By this, it means you could do the first part?                  11 MR CHUNG KIT MAN: No. You may not agree. As long as the                  12 FS pump was switched off, it doesn't matter whether                  13 there was water in there or not, from our perspective,                  14 the system would not work.                  15 MR SW LEE: That would be another issue. According to your                  16 understanding, your own understanding, to switch off the                  17 FS pump to drain the FS tank according to ISS, that was                  18 because of the tiling or maintenance work of the tank.                  19 MR CHUNG KIT MAN: They said it was because of the major                  20 renovation.                  21 MR SW LEE: They did not tell you about using it as flushing                  22 water or a potable water system; right?                  23 MR CHUNG KIT MAN: Right.                  24 MR SW LEE: They only told you it was because of the major                  25 maintenance work, right?</p>
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<p>1 your colleagues were there. Did you ask your colleagues                  2 to go to the rooftop or the ground floor to look at the                  3 tanks?                  4 MR CHUNG KIT MAN: No, I did not.                  5 MR SW LEE: You said you very much wanted to. What stopped                  6 you from doing so?                  7 MR CHUNG KIT MAN: When I received the photos, immediately                  8 I sent them to the Victory Fire group. I planned to ask                  9 someone to do it. I saw the photos and I thought, no,                  10 they were dated earlier, and it seemed to be useless.                  11 So I approached Ms Cheng.                  12 MR SW LEE: Please pause here. I found the photos                  13 problematic. That's what you thought. We confirmed                  14 that starting from the 19th, that week at least three of                  15 your colleagues were at the scene.                  16 MR CHUNG KIT MAN: Right.                  17 MR SW LEE: They only had to take the lift to go to the                  18 rooftop tank and then climb a flight of stairs to the                  19 31st floor; right?                  20 MR CHUNG KIT MAN: Right.                  21 MR SW LEE: It wasn't difficult for them to check the water                  22 tank?                  23 MR CHUNG KIT MAN: No, it wasn't difficult, but.                  24 MR SW LEE: It wasn't done.                  25 MR CHUNG KIT MAN: Right. Because the pump was switched</p>	<p>1 MR CHUNG KIT MAN: Right.                  2 MR SW LEE: That's the information you gathered?                  3 MR CHUNG KIT MAN: Right.                  4 MR SW LEE: On 21 November, that was still your                  5 understanding; right?                  6 MR CHUNG KIT MAN: At that time, it was slightly different.                  7 After the 19th I thought it was more than that.                  8 MR SW LEE: I don't want to go into what you thought. But                  9 if you knew that that wasn't the case, perhaps you tell                  10 us on what basis did you think that? Because you saw                  11 it? Because someone told you?                  12 MR CHUNG KIT MAN: I saw it.                  13 MR SW LEE: What did you see?                  14 MR CHUNG KIT MAN: That part related to the upfeed pump was                  15 removed. If it was work relating to the repair of the                  16 FS tank, that would not be necessary. That's why                  17 I thought that there were a lot of works being done.                  18 MR SW LEE: So the normal reaction would be to ask, say, "It                  19 seems that it's more than repair of the FS tank because                  20 there was removal of parts."                  21 MR CHUNG KIT MAN: Right.                  22 MR SW LEE: So the next question was whether you asked.                  23 MR CHUNG KIT MAN: I did. I asked for the submission of                  24 completion of work and testing. If that was completed,                  25 then it would be in order. We would not touch the</p>

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1 system.

2 MR SW LEE: Well, I think the most direct approach is not to

3 get the submission of completion, it's to ask ISS what

4 kind of work was being done at the FS tank. How come

5 there was water filled but part of the pipe was removed

6 and that the photos were dated an earlier time; wouldn't

7 that be more direct?

8 MR CHUNG KIT MAN: That would be more direct.

9 MR SW LEE: But you did not do it? According to you, it was

10 because you asked for the submission relating to the

11 completion.

12 MR CHUNG KIT MAN: Right. May I elaborate? Communication

13 comes in two ways. That's it.

14 MR SW LEE: But you would have to ask the question before

15 you get an answer.

16 MR CHUNG KIT MAN: We have already told you that there was

17 submission of shutdown notice and that the system was

18 completely shut off.

19 MR SW LEE: To be fair to you, as far as you say, according

20 to your evidence, that you asked Ms Cheng or Mr Lam, you

21 asked ISS. The question was to get the submission of

22 works and also submission of completion of work, that is

23 251? In short, you asked for documentation?

24 MR CHUNG KIT MAN: Right.

25 MR SW LEE: So what I am saying is that you did not get

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1 someone and ask personally what was actually going on.

2 No one asked that question; right?

3 MR CHUNG KIT MAN: Right.

4 MR SW LEE: You may be glad to hear that I am approaching

5 the end of my questions.

6 You have seen the photos. You did not find them

7 acceptable but you did not ask why you were sent

8 outdated photos?

9 MR CHUNG KIT MAN: Right.

10 MR SW LEE: Let's look at some facts that I have put

11 together and I will see if you agree. Hearing from your

12 colleagues, the different witnesses, especially Mr Tong

13 who has just given evidence, on 16 and 17 October, he

14 only checked three of the eight blocks in relation to

15 the water tank.

16 MR CHUNG KIT MAN: Right.

17 MR SW LEE: We can only take what he said as true.

18 MR CHUNG KIT MAN: Right.

19 MR SW LEE: In relation to the other five blocks, according

20 to Mr Tong, he said he asked Mr Lam.

21 MR CHUNG KIT MAN: Yes, on the first day.

22 MR SW LEE: And he was told by Mr Lam that there was no

23 water in the eight tanks of the blocks. So Mr Tong

24 relied on what Mr Lam said, that is in relation to five

25 blocks?

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1 MR CHUNG KIT MAN: I do not agree. Well, I do not entirely

2 agree with you because Mr Tong Hing Lun turned on the

3 gate valve. If there was water, he would be able to

4 hear and see water coming in. The gate valve was turned

5 on but there was no water.

6 MR SW LEE: Let's be precise.

7 MR CHUNG KIT MAN: Okay.

8 MR SW LEE: I did not say that he did not turn off or on the

9 gate valve. I was talking about lifting the lid, taking

10 a look. That would not require any tools, it would not

11 be major work.

12 MR CHUNG KIT MAN: Right.

13 MR SW LEE: So we have established that, according to

14 Mr Tong, he only checked three blocks?

15 MR CHUNG KIT MAN: Right.

16 MR SW LEE: He did not do that for the remaining five

17 blocks?

18 MR CHUNG KIT MAN: Right.

19 MR SW LEE: The information he had came from Mr Lam, because

20 Mr Lam told him that there was no water in relation to

21 the five other blocks?

22 MR CHUNG KIT MAN: I have already told you.

23 MR SW LEE: He did not personally check.

24 MR CHUNG KIT MAN: He did not check the water tank. But he

25 did not entirely rely on it.

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1 MR SW LEE: Because he turned the switch on and there was no

2 water.

3 MR CHUNG KIT MAN: So he did not entirely rely on what he

4 was told.

5 MR SW LEE: So he did not rely entirely on what he was told

6 but if there was blockage water, there would not be

7 coming in. So even if you turn it on and there was

8 a blockage, there would not be any water coming in. Do

9 you agree?

10 MR CHUNG KIT MAN: Yes, I do.

11 MR SW LEE: In short, Mr Tong relied on Mr Lam in relation

12 to what systems had been turned off. Mr Tong relied on

13 what Mr Lam told him and in November, in relation to

14 electrical system you relied on Mr Wong.

15 MR CHUNG KIT MAN: Right.

16 MR SW LEE: Well, you are -- that is registered FSI

17 contractor.

18 MR CHUNG KIT MAN: Right.

19 MR SW LEE: We confirmed with you that you did not attend

20 the annual inspection in March 2025 at Wang Fuk and

21 there was maintenance in relation to the bursting of

22 pipe in April or May and you did not go there in October

23 or November.

24 MR CHUNG KIT MAN: Right.

25 MR SW LEE: Your supervision relied on your colleagues. You

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1 relied on them to tell you what happened; right?  
 2 MR CHUNG KIT MAN: Right.  
 3 MR SW LEE: I'm not going to ask you for -- I'm not going to  
 4 talk to you about guidelines and codes. The FSD, you  
 5 just heard different information from different people  
 6 and from your colleagues. As a registered FSI  
 7 contractor, your approach, was it responsible and  
 8 appropriate one?  
 9 MR CHUNG KIT MAN: It wasn't ideal.  
 10 MR SW LEE: What would be ideal?  
 11 MR CHUNG KIT MAN: Perhaps I was too busy. I should have  
 12 spent more time on it.  
 13 MR SW LEE: Eight systems, eight blocks in Wang Fuk Court.  
 14 Over 1,900 units. People's lives depend on the systems.  
 15 MR CHUNG KIT MAN: Right. But we were not the one who  
 16 switched them off.  
 17 MR SW LEE: Well, you can't speak on behalf of the trade.  
 18 Using your case as an example, that was your approach.  
 19 One of the things we need to consider is what we can do  
 20 to improve -- to have stricter regulation and a system  
 21 for removal from the register. Do you think that would  
 22 be an appropriate approach to make sure that works are  
 23 properly carried out?  
 24 MR CHUNG KIT MAN: I agree.  
 25 MR SW LEE: I don't have any other questions.

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1 MR RICHARD KHAW: I have quite a lot of questions but it  
 2 will not exceed one hour. Would this be a good time for  
 3 a break?  
 4 THE HON MR JUSTICE DAVID LOK: Let's take a break for  
 5 10 minutes.  
 6 (11.19 am)  
 7 (A short adjournment)  
 8 (11.29 am)  
 9 Examination by MR RICHARD KHAW  
 10 THE HON MR JUSTICE DAVID LOK: The 10-minute break is too  
 11 short. Never mind. We are at a tight schedule. Please  
 12 resume.  
 13 MR RICHARD KHAW: Thank you, chairman.  
 14 Mr Chung, good morning. Last week you came to this  
 15 evidential hearing. When you gave your evidence  
 16 I talked to you about this, that is on 17 October 2025  
 17 you had a phone dialogue with Ms Cheng.  
 18 MR CHUNG KIT MAN: Correct.  
 19 MR RICHARD KHAW: We both agreed at that time that this  
 20 phone exchange was not mentioned in the witness  
 21 statement you gave to the Committee or the police.  
 22 MR CHUNG KIT MAN: Agreed.  
 23 MR RICHARD KHAW: Counsel Lee and I asked you about this  
 24 exchange. You explained to the Committee at that time  
 25 you only recalled that just then and you looked up your

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1 phone record. That's why you confirmed that there was  
 2 a phone dialogue with Ms Cheng on 17 October 2025 at  
 3 10.06.  
 4 MR CHUNG KIT MAN: Right.  
 5 MR RICHARD KHAW: The phone conversation lasted one minute  
 6 and eight seconds, according to the record. Do you  
 7 recall that?  
 8 MR CHUNG KIT MAN: Yes.  
 9 MR RICHARD KHAW: Last week you told the Committee the  
 10 reason why you had this phone conversation with Ms Cheng  
 11 was because you learned that there was no water in the  
 12 FS water tank; correct?  
 13 MR CHUNG KIT MAN: Yes.  
 14 MR RICHARD KHAW: So you were anxious about that. You  
 15 wanted to know when the renovation works can be done and  
 16 when the FS251 could be issued. You mentioned that in  
 17 your evidence; agreed?  
 18 MR CHUNG KIT MAN: Yes.  
 19 MR RICHARD KHAW: At that time, you said that on 17 October  
 20 you talked to Ms Cheng. You told the Committee with  
 21 assurance that you wanted to learn about the SDN and  
 22 about the cancellation of the SDN.  
 23 MR CHUNG KIT MAN: Right.  
 24 MR RICHARD KHAW: Last Thursday, that is on 2 April, after  
 25 you gave evidence, or two days after that, Ms Cheng came

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1 to give her evidence.  
 2 MR CHUNG KIT MAN: Right.  
 3 MR RICHARD KHAW: We asked her about this phone conversation  
 4 on 17 October. You were there at that time?  
 5 MR CHUNG KIT MAN: Yes.  
 6 MR RICHARD KHAW: When I asked Ms Cheng about that, she said  
 7 that she didn't remember before the fire broke out did  
 8 you ever ask her about the SDN. I believe that you've  
 9 heard it.  
 10 MR CHUNG KIT MAN: Mmm.  
 11 MR RICHARD KHAW: I will give you time to explain. Her  
 12 explanation was that the documents were saved in the  
 13 computer. It's easy for her to retrieve the document.  
 14 She said that she did not remember anyone asking her  
 15 about that. You heard her testimony. Do you agree with  
 16 what she said?  
 17 MR CHUNG KIT MAN: I do not.  
 18 MR RICHARD KHAW: Can you explain? You asked her about that  
 19 before 17 October. Why did she not answer you?  
 20 MR CHUNG KIT MAN: I wouldn't be able to think about that  
 21 before. I was surprised to learn that after reading the  
 22 bundle and I learned that the ISS was the one who shut  
 23 down the system and I only realised that by then.  
 24 MR RICHARD KHAW: You didn't answer my question. You asked  
 25 her about that on 17 October, about SDN. Ms Cheng said

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1 that it would be easy for her to retrieve that from the  
 2 computer. Why did she not give you?  
 3 MR CHUNG KIT MAN: She said to me this. She said that she  
 4 did not have it at hand, she had to look it up.  
 5 MR RICHARD KHAW: Right. On 31 March, when you gave your  
 6 evidence, I asked you this. You said that on 17 October  
 7 you had this conversation with Ms Cheng and then on  
 8 17 November, in this -- you did not follow up on SDN  
 9 with her. You said to the Committee that you did not  
 10 follow up on it; is that right?  
 11 MR CHUNG KIT MAN: I did answer that at that time.  
 12 MR RICHARD KHAW: Was that answer correct?  
 13 MR CHUNG KIT MAN: Right. I did not follow up on the SDN.  
 14 MR RICHARD KHAW: That is to say, on the 17th you did ask  
 15 Ms Cheng, according to you, about the SDN, and then  
 16 a month after that you did not urge her or follow up on  
 17 the SDN with her?  
 18 MR CHUNG KIT MAN: No.  
 19 MR RICHARD KHAW: On 31 March you told us that on  
 20 21 November 2025 you had a phone conversation with  
 21 Ms Cheng.  
 22 MR CHUNG KIT MAN: Yes.  
 23 MR RICHARD KHAW: You told us at that time that on  
 24 21 November you had a phone conversation with Ms Cheng.  
 25 You did not mention this in your witness statement.

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1 MR CHUNG KIT MAN: Right.  
 2 MR RICHARD KHAW: Do you recall that?  
 3 MR CHUNG KIT MAN: Right.  
 4 MR RICHARD KHAW: You told us that you only recall it after  
 5 looking at the phone records. It was at that time you  
 6 remembered what happened and you recalled the phone  
 7 conversation; correct?  
 8 MR CHUNG KIT MAN: Yes.  
 9 MR RICHARD KHAW: At the evidential hearing on 31 March, you  
 10 told everyone here that on 21 November you had a phone  
 11 conversation with Ms Cheng and you asked her about the  
 12 SDN and the cancellation of SDN. You agree with that?  
 13 MR CHUNG KIT MAN: Yes.  
 14 MR RICHARD KHAW: I will not refer you to your answer again,  
 15 but basically that's what you told the Committee about  
 16 the conversation with Ms Cheng on 21 November.  
 17 MR CHUNG KIT MAN: Right.  
 18 MR RICHARD KHAW: I'd like you to look at R2/850 to 851.  
 19 Let's look at page 850. This is the phone records of  
 20 yours.  
 21 MR CHUNG KIT MAN: Yes.  
 22 MR RICHARD KHAW: Incoming call, outgoing calls.  
 23 This is what you told the Committee last week, that  
 24 these are phone records that remind you of what  
 25 happened.

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1 MR CHUNG KIT MAN: Yes.  
 2 MR RICHARD KHAW: Let's look at this record, page 850. On  
 3 17 October there was a phone conversation that last one  
 4 minute and eight seconds. We've covered that just now.  
 5 Let's turn to the next page. This is a phone  
 6 conversation with Ms Cheng on 21 November. There is  
 7 phone call that lasts nine seconds.  
 8 MR CHUNG KIT MAN: Yes.  
 9 MR RICHARD KHAW: Last week -- well, before you came to the  
 10 evidential hearing you said that you looked up your  
 11 phone record.  
 12 MR CHUNG KIT MAN: Yes.  
 13 MR RICHARD KHAW: You would know that this conversation  
 14 lasted only nine seconds. In the conversation you may  
 15 tell Ms Cheng, "I am Mr Chung from Victory Fire". It  
 16 lasted nine seconds.  
 17 MR CHUNG KIT MAN: Well, our conversation was very short.  
 18 MR RICHARD KHAW: Right. Excuse me. According to you --  
 19 well, let's look at Ms Cheng's record at H5/6815.  
 20 Last Thursday we asked Ms Cheng about this record.  
 21 21 November 2025, that's the phone conversation you  
 22 talked about, 15:20. This is Mr Chung from  
 23 Victory Fire. There is a red symbol here. Ms Cheng  
 24 explained that this is a missed call, that is a call  
 25 that was not picked up.

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1 MR CHUNG KIT MAN: Right.  
 2 MR RICHARD KHAW: You were there at that time at the  
 3 evidential hearing.  
 4 MR CHUNG KIT MAN: Right.  
 5 MR RICHARD KHAW: You agreed with what she said?  
 6 MR CHUNG KIT MAN: Yes.  
 7 MR RICHARD KHAW: So last week you talked to the Committee  
 8 about the phone conversation on 21 November with  
 9 Ms Cheng, about SDN, about the cancellation of it. The  
 10 conversation likely did not happen.  
 11 MR CHUNG KIT MAN: No, not according to my memory.  
 12 MR RICHARD KHAW: So you are of the view that this call was  
 13 not a missed call?  
 14 MR CHUNG KIT MAN: No. That's not what I said. I agree  
 15 that this is a missed call.  
 16 MR RICHARD KHAW: So you agree that there was a missed call.  
 17 MR CHUNG KIT MAN: I agree.  
 18 MR RICHARD KHAW: But according to you, there was another  
 19 conversation that happened on the same day?  
 20 MR CHUNG KIT MAN: Yes. After hearing her testimony,  
 21 I remember that she called me back.  
 22 MR RICHARD KHAW: You submitted these phone records to the  
 23 Committee. Is there any page that shows her calling you  
 24 back?  
 25 MR CHUNG KIT MAN: I think that's the conversation at

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1 4.57 pm. I went to the telecommunications company  
 2 during the holidays and because it was a holiday I did  
 3 not receive any reply from the company. It was a phone  
 4 conversation that lasted six seconds. I think that this  
 5 should be the one.  
 6 MR RICHARD KHAW: I only see an incoming call.  
 7 MR CHUNG KIT MAN: Right.  
 8 MR RICHARD KHAW: I do not see the phone number. The  
 9 conversation lasted less than nine seconds. It's only  
 10 six seconds. This is the conversation?  
 11 MR CHUNG KIT MAN: You have done this association so many  
 12 times. From what I can say is that you asked me, I took  
 13 a look at the WhatsApp, whether we discussed the  
 14 pictures and about the upfeed pump. I received the  
 15 cancellation of the shutdown notice and 251 and  
 16 afterwards I followed up on it.  
 17 MR RICHARD KHAW: That wasn't the question I asked. Based  
 18 on what -- did it cross your mind that the incoming call  
 19 lasting six seconds at 4.57 was a call made by Ms Cheng  
 20 to you, based on what?  
 21 MR CHUNG KIT MAN: I made an application to retrieve records  
 22 but I haven't yet got the records now.  
 23 MR RICHARD KHAW: On 2 April, after you heard the evidence  
 24 of Ms Cheng, on 3 April you submitted your second  
 25 witness statement. Do you recall that?

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1 MR CHUNG KIT MAN: Yes. About 57 minutes.  
 2 MR RICHARD KHAW: I will go over it with you later. In that  
 3 witness statement, that is the second one made on  
 4 3 April, did it occur to you that for the phone call on  
 5 21 November, "If it was a missed call, probably I made  
 6 a mistake in my evidence, I needed to clarify it"? Did  
 7 it ever cross your mind?  
 8 MR CHUNG KIT MAN: No. I was just telling the facts and  
 9 what I remembered.  
 10 MR RICHARD KHAW: Based on records, for your phone call with  
 11 Ms Cheng on 21 November, that wasn't a fact. Do you  
 12 agree?  
 13 MR CHUNG KIT MAN: No, I do not agree.  
 14 MR RICHARD KHAW: In the hearing today you can see this  
 15 record and the phone call at 16:57, incoming call,  
 16 six seconds. There is no factual basis at all. Do you  
 17 agree?  
 18 MR CHUNG KIT MAN: That's why I applied to get the proof.  
 19 MR RICHARD KHAW: Never mind. Let us move on to another  
 20 area.  
 21 MR CHUNG KIT MAN: Okay.  
 22 MR RICHARD KHAW: Just now you referred to your conversation  
 23 with Mr Lam Man Yan lasting 57 minutes. When you made  
 24 the second witness statement on 3 April you tried to  
 25 give an account of the contents of that and this morning

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1 Mr Lee referred this to you, but let me discuss this  
 2 with you. Let us refer to H3, page 6797.  
 3 Regarding the phone conversation of 57 minutes, last  
 4 week we talked about this. In the small hours, at  
 5 around 1 o'clock on the day of the fire, you had  
 6 a WhatsApp chat with Mr Lam Man Yan.  
 7 MR CHUNG KIT MAN: Right.  
 8 MR RICHARD KHAW: We can see an audio call lasting 57  
 9 minutes.  
 10 MR CHUNG KIT MAN: Right.  
 11 MR RICHARD KHAW: That is why we were interested to find out  
 12 what the conversation was about.  
 13 MR CHUNG KIT MAN: Right.  
 14 MR RICHARD KHAW: Let us refer to your second witness  
 15 statement. WS7. Thank you.  
 16 This is your witness statement and the contents are  
 17 mainly paragraph 2 on 27 November, 1.29 am, the WhatsApp  
 18 call between you and Mr Lam Man Yan, and what you talked  
 19 about.  
 20 "I recall Mr Lam Man Yan said over the phone call,  
 21 'Mr Chung, Mr Chung, hey, do you have Victory Fire or  
 22 the form of SDN? I want to take a look.' I responded,  
 23 'No, I do not. I'm sleeping. What happened?' He said  
 24 ISS EastPoint requested him to ask for the SDN from me.  
 25 And then I said, 'That means we didn't file any SDN?'"

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1 Then you asked, 'Didn't you file an SDN? Why are you  
 2 asking me now?', and he said that the management office  
 3 now ban people from entering that area. They wanted to  
 4 know more."  
 5 In this second witness statement of yours, you used  
 6 quotation marks in a lot of paragraphs.  
 7 MR CHUNG KIT MAN: Right.  
 8 MR RICHARD KHAW: That is, you want to quote what was said  
 9 at that time.  
 10 MR CHUNG KIT MAN: Correct.  
 11 MR RICHARD KHAW: When you used quotation marks, people  
 12 would feel that these words were the ones that you used  
 13 at that time, and that is the contents that you can  
 14 recall right now?  
 15 MR CHUNG KIT MAN: Correct. That is the contents of my  
 16 recollection.  
 17 MR RICHARD KHAW: How can you recall the exact words in the  
 18 quotation marks?  
 19 MR CHUNG KIT MAN: Well, if I don't recall what I said but  
 20 roughly, I remember the contents, I may give an account  
 21 of what I said at that time, I wouldn't use quotation  
 22 marks.  
 23 MR RICHARD KHAW: But then in this witness statement you  
 24 used quotation marks, that is direct quotes. What made  
 25 you so confident about these direct quotes?

Page 65	<p>1 MR CHUNG KIT MAN: Well, I had vivid memory of these.</p> <p>2 A fire happened and I recalled what he said. That was</p> <p>3 why I have given an account of the direct quote.</p> <p>4 MR RICHARD KHAW: That is based on your memory?</p> <p>5 MR CHUNG KIT MAN: Yes.</p> <p>6 MR RICHARD KHAW: In paragraph 5:</p> <p>7 "The shutdown notice is a standard form. It is</p> <p>8 found on the website of the FSD. I went online to</p> <p>9 search 'fire service installation shutdown notice'.</p> <p>10 I then said, 'Let me type that out on WhatsApp. You can</p> <p>11 just search and you will find it.'"</p> <p>12 Last week in your oral evidence -- let us refer to</p> <p>13 the transcript dated 31 March. Page 32 of the</p> <p>14 transcript, line 16. That is what you said:</p> <p>15 "Let me type a few words for you and then you can</p> <p>16 search online.' While I was WhatsApping the text,</p> <p>17 I typed 'fire service installation shutdown notice', and</p> <p>18 then he said, 'probably you can find for me'. I said,</p> <p>19 'yes', and then I found that [English spoken; according</p> <p>20 to the transcript] blank form. That's all."</p> <p>21 The words seem to be different from the direct</p> <p>22 quotes in your second witness statement.</p> <p>23 MR CHUNG KIT MAN: The meaning is the same but the wording</p> <p>24 is different.</p> <p>25 MR RICHARD KHAW: So can you tell the Committee, in the</p>	Page 67
Page 66	<p>1 second witness statement there are quotation marks, but</p> <p>2 for the direct quotes are just what was roughly said,</p> <p>3 they might not be the direct quotes or the words used</p> <p>4 verbatim?</p> <p>5 MR CHUNG KIT MAN: Yes.</p> <p>6 MR RICHARD KHAW: Paragraphs 3 and 4 on page 1897:</p> <p>7 "'We didn't file an SDN.' 'Didn't you file an</p> <p>8 SDN?'"</p> <p>9 Was that the first time you mentioned the SDN</p> <p>10 between you and Mr Lam?</p> <p>11 MR CHUNG KIT MAN: No.</p> <p>12 MR RICHARD KHAW: It's strange, in your witness statement --</p> <p>13 let's refer to your first witness statement, WS2,</p> <p>14 page 1531, paragraph 11.</p> <p>15 On 26 November 2025 at 1.28 pm, that is before the</p> <p>16 fire happened, you said Mr Lam saw that the works of</p> <p>17 Victory Fire had completed and called me asking for the</p> <p>18 FS251 as soon as possible because the FSD was urging</p> <p>19 him. Over the call I said that because of the</p> <p>20 connection system, certificate cannot be issued because</p> <p>21 there wasn't water in the FS water tank and the power of</p> <p>22 the supply of water and the fire pump had been switched</p> <p>23 off. Over the call Mr Lam knew that the fire pump had</p> <p>24 been switched off by the workers in the large-scale</p> <p>25 renovation works. I requested him to provide SDN but</p>	Page 68
Page 65	<p>1 then he could not provide immediately and said that</p> <p>2 he would provide it to me afterwards."</p> <p>3 MR CHUNG KIT MAN: Right.</p> <p>4 MR RICHARD KHAW: It so happened that on the afternoon</p> <p>5 before the fire, at 1.28 pm, you mentioned SDN to him.</p> <p>6 In the small hours on 27 November, you didn't have to</p> <p>7 mention SDN with him again.</p> <p>8 MR CHUNG KIT MAN: Why? I was very shocked.</p> <p>9 MR RICHARD KHAW: Come again?</p> <p>10 MR CHUNG KIT MAN: I was shocked that he asked me for it.</p> <p>11 Then you said, "Didn't you file an SDN?"</p> <p>12 MR RICHARD KHAW: Paragraph 9. Excuse me; it should be your</p> <p>13 witness statement paragraph 8. He said he was worried.</p> <p>14 "This fire was serious and asked whether the large-scale</p> <p>15 renovation works fire company had filed an SDN. I and</p> <p>16 he, that is Mr Lam Man Yan, didn't have responsibility.</p> <p>17 I remember I said I was only responsible for the annual</p> <p>18 inspection and maintenance. I didn't take part in the</p> <p>19 large-scale renovation fire works. I wasn't clear</p> <p>20 either. I blamed him. You knew that an SDN had been</p> <p>21 filed but then you didn't tell him beforehand, you just</p> <p>22 urged us to start our works and you only told us when we</p> <p>23 found that there was an issue."</p> <p>24 And "Why didn't you tell us earlier?" That was said</p> <p>25 by you to him; is that correct?</p>	Page 67
Page 66	<p>1 MR CHUNG KIT MAN: Yes.</p> <p>2 MR RICHARD KHAW: That isn't quite reasonable. According to</p> <p>3 your witness statement, after 16 October, according to</p> <p>4 your witness statement and Mr Tong's, you knew that an</p> <p>5 SDN had been filed. Why didn't you -- why you were</p> <p>6 still -- "why didn't you tell us beforehand? You knew</p> <p>7 that an SDN had been filed."</p> <p>8 MR CHUNG KIT MAN: I can explain. When your system broke</p> <p>9 down, well, you should have told us an SDN had been</p> <p>10 filed. Can we still start our works, instead of urging</p> <p>11 us to continue with our works? Or urging us to start</p> <p>12 our works, that was my feeling.</p> <p>13 MR RICHARD KHAW: Excuse me. I'd like to ask --</p> <p>14 MR CHUNG KIT MAN: That was why the conversation happened.</p> <p>15 MR RICHARD KHAW: Back then you didn't tell us this. You</p> <p>16 weren't saying this.</p> <p>17 Just hear me out. You said you knew that an SDN had</p> <p>18 been filed. "Why didn't you tell us beforehand?" You</p> <p>19 were blaming him. "Why didn't you tell us that an SDN</p> <p>20 had been submitted?"</p> <p>21 MR CHUNG KIT MAN: Right.</p> <p>22 MR RICHARD KHAW: You knew that -- however, you knew that --</p> <p>23 MR CHUNG KIT MAN: What I meant was that before the works in</p> <p>24 October, why hadn't you told us? That was understood in</p> <p>25 our conversation.</p>	Page 68

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<p>1 MR RICHARD KHAW: So before works started in October, why 2 didn't they tell you? But that wasn't stated here. It 3 wasn't what you said. You said, "Why you knew that an 4 SDN had been filed? Why didn't you tell us beforehand?" 5 MR CHUNG KIT MAN: Well, that wasn't covered in our 6 conversation, but it was understood between us. Just as 7 simple as that. 8 MR RICHARD KHAW: Let us take a step back. You blame him, 9 "You knew that an SDN had been filed. Why didn't you 10 tell us beforehand?" According to your evidence in 11 October and in November, you urged him for the SDN. 12 "When work is completed, please give us back the FS251". 13 There are these conversations. In your second witness 14 statement there wasn't any mention about the urging for 15 FS251 and SDN: "Why didn't you give me?" Do you agree? 16 MR CHUNG KIT MAN: Agree. 17 MR RICHARD KHAW: I'd like to ask, Mr Chung, in fact, as 18 a registered FSI contractor, at that time, that is in 19 November and October, your company was conducting works 20 on fire hose and reels and the fire alarm system; is 21 that correct? 22 MR CHUNG KIT MAN: Correct. 23 MR RICHARD KHAW: In October and November you knew that the 24 FS water tank didn't have water and the master switch of 25 the fire pump had been switched off; is that correct?</p>	<p>1 nor power, that might impact on the operation. So I am 2 asking you today again, do you agree that you have the 3 responsibility for following up the matter, that is, 4 when you could conduct tests on systems so that you can 5 continue? 6 MR CHUNG KIT MAN: Well, that was why I kept urging him for 7 the cancellation of the SDN and the FS251. 8 MR RICHARD KHAW: Do you agree that you needed to ask for 9 the situation of the SDN and 251, but in fact you didn't 10 follow up on the matter, that's why in the evidential 11 hearing you told us on 17 October and 22 November these 12 conversations that you urged for these documents with 13 Ms Cheng in order to reduce your responsibility. Do you 14 agree? 15 MR CHUNG KIT MAN: No. 16 MR RICHARD KHAW: After the fire, between you and Mr Lam 17 there was a conversation at about 1 am. At that time, 18 I believe, like all Hongkongers, you were worried, you 19 were sad because of the blaze. 20 MR CHUNG KIT MAN: Yes. 21 MR RICHARD KHAW: In your statement, in the first witness 22 statement, the one for the police or even the second 23 witness statement, especially the second one, you kept 24 saying that you were blaming the management company, 25 "Why didn't they allow me to do this and that". In the</p>
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<p>1 MR CHUNG KIT MAN: Correct. 2 MR RICHARD KHAW: Do you agree that in general, as 3 a registered FSI contractor, when conducting these 4 repairs and inspections, you need to make sure these FS 5 installations should be in a good and working condition? 6 MR CHUNG KIT MAN: In short, yes. 7 MR RICHARD KHAW: When you knew that there was not water nor 8 power, if the situation persisted longer -- the longer 9 the situation, then the risks would be higher as well. 10 MR CHUNG KIT MAN: Correct. 11 MR RICHARD KHAW: I asked you last week when you knew that 12 there wasn't water and there wasn't power, should you 13 provide advice as to how to improve the situation 14 instead of letting the situation persist. The answer 15 you gave me back then is that you didn't want to meddle, 16 an FSI contractor was appointed at that time so you 17 shouldn't overstep. 18 MR CHUNG KIT MAN: Right. Because I didn't know what they 19 were doing. 20 MR RICHARD KHAW: That was your work, and your 21 responsibility was to conduct repairs and inspect the 22 fire hose and reel system, fire alarm system and the 23 operation thereof. Do you agree? 24 MR CHUNG KIT MAN: Yes. 25 MR RICHARD KHAW: When you knew that there was neither water</p>	<p>1 phone call between you and Mr Lam in the small hours, or 2 before that or after that, when the whole Hong Kong was 3 worried about this, did it occur to you that what you 4 were doing or what you had done wasn't ideal? 5 MR CHUNG KIT MAN: I think I had tried my best. 6 MR RICHARD KHAW: Let's look at something from the Assistant 7 Director of the FSD. 8 I don't have any other questions. 9 THE HON MR JUSTICE DAVID LOK: Questions from other involved 10 parties? Mr Suen? 11 MR JENKIN SUEN: I have some supplementary questions. 12 Examination by MR JENKIN SUEN 13 MR JENKIN SUEN: Mr Chung, just now you said that in 14 March 2025, after the annual inspection, in fact, 15 shortly after that something happened. You issued 16 a shutdown notice. 17 MR CHUNG KIT MAN: Right. 18 MR JENKIN SUEN: Let's go into the situation. It's 19 bundle B2, you'll find the relevant documents. The 20 shutdown notice at page 1392. In a different bundle, 21 bundle R, is the same document. But here, page 1392, is 22 in relation to Wang Yan House. Scroll down. A part 23 filled by you in relation to the shutdown notice. 24 Part 2 and part 3, at that time they were not completed 25 yet.</p>

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1 MR CHUNG KIT MAN: Right.  
 2 MR JENKIN SUEN: The time when the first part was filled was  
 3 3 April, right, by you?  
 4 MR CHUNG KIT MAN: Right.  
 5 MR JENKIN SUEN: Let's go up. The systems shut down were  
 6 the fire hydrants and hose reel system.  
 7 MR CHUNG KIT MAN: Right.  
 8 MR JENKIN SUEN: In answer to the question from the IC, you  
 9 said you or colleagues of Victory Fire did not go  
 10 personally into the pump room, the general pump room or  
 11 the booster pump room.  
 12 MR CHUNG KIT MAN: Right.  
 13 MR JENKIN SUEN: In preparation of the shutdown notice, it  
 14 was simply because you or your colleagues thought that  
 15 the relevant pump was shut down.  
 16 MR CHUNG KIT MAN: No, we did not on purpose turn it down.  
 17 It worked during the annual inspection. We thought that  
 18 the risk was low. That's why we ticked the HR and HS  
 19 system. We have to look at this with defect 251. We  
 20 said there was a lack of water. We did not mention  
 21 about turning off the FS system. That's our  
 22 understanding in relation to the risk of the submission  
 23 of the SDN.  
 24 MR JENKIN SUEN: Let's do it step by step. You talk about  
 25 the hose reel. You said that there was a lack of water

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1 in the FS tank.  
 2 MR CHUNG KIT MAN: Right.  
 3 MR JENKIN SUEN: You also said that one of the pipes was  
 4 burst, the upfeed pipe.  
 5 MR CHUNG KIT MAN: Right.  
 6 MR JENKIN SUEN: You also said that if the FS pipe has burst  
 7 and if the relevant switch was not turned off, it might  
 8 cause a flood. It was based on this that at that time  
 9 you assumed that due to the burst of the upfeed pipe,  
 10 someone had turned off the booster pump in case that  
 11 water will keep coming in and that would cause a flood.  
 12 MR CHUNG KIT MAN: We saw that whether there was water  
 13 coming in.  
 14 MR JENKIN SUEN: Let's clarify. You did not personally  
 15 check the situation but you assumed that the upfeed pump  
 16 was switched off. That's why you did the SDN?  
 17 MR CHUNG KIT MAN: Yes, because in our check we found that  
 18 there were defects.  
 19 MR JENKIN SUEN: You said that you received a call from the  
 20 FSD. Now, look at page 1398. On this page is something  
 21 from the FSD. It's in relation to an FSI shutdown  
 22 notice. It says here, paragraph 2, that at that time  
 23 the fire officer who was in charge, on 4 and 7 April, he  
 24 was on duty. When he received the FSI shutdown notice,  
 25 that is a notice related to Wang Yan House, an

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1 inspection was duly conducted. He talked about  
 2 follow-up actions.  
 3 From your recollection, you did not go to the site.  
 4 Do you recall that after the SDN the FSD did send  
 5 someone to Wang Yan House to conduct an inspection?  
 6 MR CHUNG KIT MAN: A call was made to me before the  
 7 inspection, telling me that an inspection would be done.  
 8 MR JENKIN SUEN: That's why you knew there would be an  
 9 inspection?  
 10 MR CHUNG KIT MAN: That's what I was told.  
 11 MR JENKIN SUEN: Did your colleagues tell you that an  
 12 inspection has been done or you only knew about it from  
 13 the phone call?  
 14 MR CHUNG KIT MAN: The FSD would not tell us what they've  
 15 done. They said they would conduct an inspection but  
 16 they would not get back to us.  
 17 MR JENKIN SUEN: Next page, 1399. It's a statement from the  
 18 Tai Po Fire Station, from Fire Officer Mr Li. He said  
 19 that on 7 April he received from the duty station  
 20 officer an instruction to go to Wang Yan House to issue  
 21 an advisory letter in relation to the FSI shutdown. You  
 22 went there, you gave the advisory letter, explained the  
 23 content to someone at the management office. You said  
 24 that the repair work should be done as soon as possible  
 25 in accordance with guideline and also at the same time

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1 place -- you said fire extinguishers should be placed at  
 2 the affected locations. That's the evidence from the  
 3 firefighter.  
 4 MR CHUNG KIT MAN: Right.  
 5 MR JENKIN SUEN: I suppose that when the firefighter went to  
 6 conduct the inspection, you or people from Victory Fire  
 7 were not present?  
 8 MR CHUNG KIT MAN: Right.  
 9 MR JENKIN SUEN: Have you received this letter?  
 10 MR CHUNG KIT MAN: No.  
 11 MR JENKIN SUEN: Well, let me clarify with you. It's  
 12 page 1394. It's a letter addressed to the occupier or  
 13 owner of the premises with the relevant FSI installed or  
 14 kept. Did you receive such a letter from the FSD?  
 15 MR CHUNG KIT MAN: I don't remember that was particularly  
 16 mentioned but I remember during the call I asked whether  
 17 temporary fire extinguishers had to be replaced and the  
 18 answer was no. We did not provide any quotations in  
 19 this regard.  
 20 MR JENKIN SUEN: From your recollection you don't remember  
 21 seeing this letter?  
 22 MR CHUNG KIT MAN: I have not seen it.  
 23 MR JENKIN SUEN: You don't have any recollection that the  
 24 staff at the management office told you about the  
 25 letter?

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1 MR CHUNG KIT MAN: Right.  
 2 MR JENKIN SUEN: Let me go to a different area. To be fair  
 3 to you, Mr Keung from the FSD made a fourth witness  
 4 statement. I would like to ask you questions in  
 5 relation to one paragraph. It's WS8. At the bottom of  
 6 page 1913 there is a heading "Victory Fire".  
 7 Now let's turn to page 1914. Mr Keung gave an  
 8 explanation about the situation. In short, he was of  
 9 the view that whether according to the first or second  
 10 letter of the FSD in 2021 or whether because of the fact  
 11 that you were a registered FSI contractor, when it was  
 12 discovered that the FSI systems of the eight blocks in  
 13 Wang Fuk Court, whether it was the pump or the fire  
 14 alarm system, the systems were turned off. The FSD's  
 15 view was that you had the duty to first notify the FSD;  
 16 and two, to follow up with another registered FSI  
 17 contractor.  
 18 Do you agree that it's a duty that you had to  
 19 fulfil?  
 20 MR CHUNG KIT MAN: I think that we had no way to fulfil that  
 21 requirement because a lot of information had to be  
 22 provided to submit an SDN. I did not know about the  
 23 commencement date. I could not even find the 251  
 24 defects because the system had already been turned off  
 25 and I did not know about the reason. Submission of SDN

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1 was the only way to inform or notify the FSD. We had no  
 2 way to access the documents other than asking the  
 3 management office. If I asked the other contractor,  
 4 they had the right not to give anything to us. If there  
 5 were -- were there other ways for us to fulfil this  
 6 duty?  
 7 MR JENKIN SUEN: Mr Chung, let me take you to a relevant  
 8 document. It's a code of practice. Bundle B2,  
 9 page 882. This is in relation to relevant FSI testing,  
 10 maintenance, checking. It is the applicable code of  
 11 practice. You are a registered FSI contractor.  
 12 You should know about this code; right?  
 13 MR CHUNG KIT MAN: Mmm.  
 14 MR JENKIN SUEN: Let me take you to page 884.  
 15 Paragraph 1.16, it says that for a building, FSI,  
 16 including fire hydrant or hose reel system or fire alarm  
 17 system, if there is any shutdown that lasts overnight or  
 18 more than 24 hours, the registered FSI contractor shall  
 19 notify the FSD, Fire Services Department.  
 20 In October or November 2025, do you agree first  
 21 there were hose reel system/fire alarm system work done  
 22 by Victory Fire?  
 23 MR CHUNG KIT MAN: I agree.  
 24 MR JENKIN SUEN: During the process, Victory Fire found that  
 25 in relation to the relevant system, including the main

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1 switch, there was a shutdown for more than 24 hours;  
 2 agree?  
 3 MR CHUNG KIT MAN: I agree that the system had been shut  
 4 down.  
 5 MR JENKIN SUEN: Given that, under the relevant code, when  
 6 the relevant work was being conducted and you were aware  
 7 that the relevant system had been shut down, you had the  
 8 duty to notify the FS under the Code; do you agree?  
 9 MR CHUNG KIT MAN: I don't really agree, because it says  
 10 here "for any shutdown of building FSI". Shutdown is  
 11 the active action of shutting down the system. In the  
 12 course of works, when an inspection was conducted, that  
 13 the system was working but there was a need to turn it  
 14 off, say, for example, a burst pipe or maintenance work  
 15 just like Wang Fuk Court, then there is a duty to notify  
 16 them. But our understanding as a contractor was to make  
 17 sure that someone had indeed followed the procedure and  
 18 done what they had to do. That's what we were asking.  
 19 MR JENKIN SUEN: Now, I'm not going to have a debate on you,  
 20 but it's just to be fair. I'm speaking from the FSD's  
 21 perspective. It's different from your stance, and if  
 22 need be we will address that, but for now I don't have  
 23 any questions.  
 24 THE HON MR JUSTICE DAVID LOK: Yes. Any involved party?  
 25 Examination by MR SOLOMON LAM

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1 MR SOLOMON LAM: Just now Mr Suen said on 4 April 2025  
 2 a firefighter called you; right?  
 3 MR CHUNG KIT MAN: Yes.  
 4 MR SOLOMON LAM: Now let me take you to the document. C3-1,  
 5 page 1796. This is from a Lam Sze Wing, a probationary  
 6 fire officer.  
 7 Now let's go to the bottom, paragraph 4. It says  
 8 same day. Paragraph 2, it says 4 April. Please go down  
 9 all the way to the same day at 4.30 pm:  
 10 "I called Chung Kit Man stated on the SDN and in the  
 11 call the other party told me that there was  
 12 malfunctioning of the fire hydrant system of Wang Yan  
 13 House. As a result, the system would be shut down for  
 14 repair."  
 15 Did you say that to him?  
 16 MR CHUNG KIT MAN: Actually, he said that he received the  
 17 SDN. He wanted to ask questions. I think it was  
 18 understood that the system was shut down at Wang Yan  
 19 House. I asked whether the pump had shut down. That  
 20 was a standard question. I said that the pump was not  
 21 turned off. I was concerned that because there was no  
 22 water in the tank. It's different because the upfeed  
 23 system was not one of the nine major systems. If it was  
 24 normal, functioning normally and the water tank was  
 25 filled, there was no need to submit any SDN. So I said

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<p>1 there was a lack of water and the upfeed pipe burst.</p> <p>2 Our experience was that the FSD officer thought that</p> <p>3 it was us who turned off the system and that's why we</p> <p>4 were asked.</p> <p>5 MR SOLOMON LAM: Just now Mr Lee took you to a quotation</p> <p>6 dated 3 April from Victory Fire. You talked about</p> <p>7 photos. I found that in bundle H1, pages 37 and 38.</p> <p>8 That is actually a document. At a very early stage, the</p> <p>9 ISS disclosed this document. We see here 3 April 2025,</p> <p>10 it's a quotation from Victory Fire of an amount of</p> <p>11 \$8,500.</p> <p>12 Now page 38. There is a corresponding number,</p> <p>13 W072/26110-A1. On the top-right corner of page 37 is</p> <p>14 the same one. What is A1?</p> <p>15 MR CHUNG KIT MAN: It means it's been edited.</p> <p>16 MR SOLOMON LAM: What does it mean?</p> <p>17 MR CHUNG KIT MAN: That means there was a revision.</p> <p>18 MR SOLOMON LAM: There are some photos. These are the</p> <p>19 photos mentioned by Mr Lee when he asked the questions?</p> <p>20 MR CHUNG KIT MAN: Right.</p> <p>21 MR SOLOMON LAM: I don't have any other questions.</p> <p>22 THE HON MR JUSTICE DAVID LOK: Mr Lee.</p> <p>23 Further examination by MR SW LEE</p> <p>24 MR SW LEE: I have a few follow-up questions. They are very</p> <p>25 short.</p>	<p>1 were replaced, you said that you submitted quotations</p> <p>2 and you eventually decided against doing it, that's why</p> <p>3 you gave a discount of \$500. Right?</p> <p>4 MR CHUNG KIT MAN: Right.</p> <p>5 MR SW LEE: So you did not turn the pump back on and you did</p> <p>6 not inspect it?</p> <p>7 MR CHUNG KIT MAN: Correct.</p> <p>8 MR SW LEE: So according to you, what you said, you never</p> <p>9 touched the pump from start to end?</p> <p>10 MR CHUNG KIT MAN: Correct.</p> <p>11 MR SW LEE: So according to what you said, you didn't have</p> <p>12 to submit an SDN?</p> <p>13 MR CHUNG KIT MAN: Your understanding is correct.</p> <p>14 MR SW LEE: I share the same view, but you said that whoever</p> <p>15 turned off the system had to submit the SDN.</p> <p>16 MR CHUNG KIT MAN: This is different because this is</p> <p>17 a natural damage. We were notified of the natural</p> <p>18 damage and from the perspective of the SDN, the system</p> <p>19 was not shut off or shut down and we discovered that the</p> <p>20 system was off for more than 24 hours. That's why we</p> <p>21 filed the SDN. It's different for Wang Fuk Court; the</p> <p>22 eight fire services pumps were turned off deliberately.</p> <p>23 This is not a natural damage. Someone was doing the</p> <p>24 works. That's why it was shut down.</p> <p>25 MR SW LEE: Let's be more focused. In November there were</p>
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<p>1 Just now Counsel Lam and Counsel Suen asked you</p> <p>2 about the SDNs.</p> <p>3 MR CHUNG KIT MAN: Correct.</p> <p>4 MR SW LEE: According to my understanding, you said that if</p> <p>5 the system was shut down for more than 24 hours, then</p> <p>6 you had the responsibility to notify the FSD; right?</p> <p>7 MR CHUNG KIT MAN: Yes.</p> <p>8 MR SW LEE: In R5, we've shown you this. This is a document</p> <p>9 dated 3 April; right?</p> <p>10 MR CHUNG KIT MAN: Correct.</p> <p>11 MR SW LEE: My question for you is this. As to who shut</p> <p>12 down the system and caused the responsibility issues,</p> <p>13 I'd like to know more about your understanding of it.</p> <p>14 Regarding the rectification works in April and May,</p> <p>15 according to your testimony, you never fiddled with the</p> <p>16 upfeed pump; correct?</p> <p>17 MR CHUNG KIT MAN: Right.</p> <p>18 MR SW LEE: Because you said that if the upfeed pump was</p> <p>19 operating normally, then there wouldn't be water</p> <p>20 leakage; correct?</p> <p>21 MR CHUNG KIT MAN: Yes.</p> <p>22 MR SW LEE: And as there was water leakage, it means that</p> <p>23 someone would have shut down the upfeed pump so that no</p> <p>24 water would be there. So you were not the one to shut</p> <p>25 it down. So after the works was completed, the mains</p>	<p>1 many unfortunate events. Whether the accident happened</p> <p>2 accidentally or by human error, we will look into it</p> <p>3 further. In April, Mr Wong came there to do an</p> <p>4 inspection, he discovered water leakage, quotations were</p> <p>5 submitted and in May rectification works was done;</p> <p>6 correct?</p> <p>7 MR CHUNG KIT MAN: Right.</p> <p>8 MR SW LEE: In April and May, according to you, from start</p> <p>9 to finish you did not inspect the pump at all; that's</p> <p>10 your testimony?</p> <p>11 MR CHUNG KIT MAN: Right.</p> <p>12 MR SW LEE: So you did not turn on or turn off the system?</p> <p>13 MR CHUNG KIT MAN: Right.</p> <p>14 MR SW LEE: Sometimes you said whoever turns it off has to</p> <p>15 file the SDN. So my question is this: as you were not</p> <p>16 the one to turn off the system or turn on the system, no</p> <p>17 one touched the system, why did you file the SDN?</p> <p>18 MR CHUNG KIT MAN: We processed the FS251. We inspected</p> <p>19 that there were defects with the pipes. That's why the</p> <p>20 system has to be shut down, that's why there was no</p> <p>21 water in the tank.</p> <p>22 What we did was the replacement of the mains, and</p> <p>23 after it we saw that there was water in the water tank</p> <p>24 and that's why we cancelled the SDN eventually.</p> <p>25 MR SW LEE: Let's be clear on this. You sent your staff,</p>

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<p>1 a sub-contractor Keung, to replace the mains that has                  2 been burst, the mains that have burst?                  3 MR CHUNG KIT MAN: Right.                  4 MR SW LEE: Ah Keung did not turn off or turn on the pump;                  5 correct?                  6 MR CHUNG KIT MAN: Right.                  7 MR SW LEE: In April, Mr Wong did not turn on or off the                  8 pump; right?                  9 MR CHUNG KIT MAN: Correct.                  10 MR SW LEE: But then, of course, in bundle R5, page 1149, we                  11 learned that, as the other party has accepted your                  12 quotation on 27 May, you went for the rectification                  13 works, you sent Ah Keung there?                  14 MR CHUNG KIT MAN: Right.                  15 MR SW LEE: On page 1149, this is an SDN. That's what we                  16 have been talking about.                  17 MR CHUNG KIT MAN: Correct.                  18 MR SW LEE: According to it, if the fire hydrant and hose                  19 reel system has been shut down for more than 24 hours,                  20 you have to submit it?                  21 MR CHUNG KIT MAN: Yes.                  22 MR SW LEE: So you actually shut down the upfeed pump                  23 because you have to stop the water first before you                  24 replace the mains, right, that's what happened under                  25 normal circumstances?</p>	<p>1 and we were of the view that the system could be shut                  2 down. That's why we filed the SDN.                  3 MR SW LEE: But according to you, you did not shut it down                  4 yourself?                  5 MR CHUNG KIT MAN: Right. We did not shut down the upfeed                  6 system. We were of the view that the fire services                  7 system could be shut down.                  8 MR SW LEE: Yes, it seems that the system had been shut                  9 down, the building was not flooded.                  10 MR CHUNG KIT MAN: These are two different things. Upfeed                  11 was upfeed.                  12 MR SW LEE: Well, because there was bursting in the water                  13 mains and there was water leakage.                  14 MR CHUNG KIT MAN: Right. If we're just talking about the                  15 upfeed system with the filled water tank, we don't have                  16 to file the SDN.                  17 MR SW LEE: I'm just talking about the upfeed pump. Under                  18 normal circumstances we just have to shut down the pump                  19 so that there will not be water supply and you have to                  20 switch off the gate valve so that there will not be any                  21 water coming out; right?                  22 MR CHUNG KIT MAN: It could not be turned off. Well, after                  23 turning off the upfeed pump then there is nothing else                  24 to turn off. You can still switch off the gate valve.                  25 We don't have gate valve for upfeed pump.</p>
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<p>1 MR CHUNG KIT MAN: Correct.                  2 MR SW LEE: But, according to you, Ah Keung never touched                  3 the pump because someone had already shut down the                  4 system.                  5 MR CHUNG KIT MAN: Right.                  6 MR SW LEE: What I wanted to know is why you filed the SDN?                  7 MR CHUNG KIT MAN: As I said, this is a natural accident.                  8 So the mains was burst because of natural damage.                  9 MR SW LEE: What's the difference between it and someone                  10 shutting it down deliberately before the replacement?                  11 MR CHUNG KIT MAN: There is a big difference. As we did the                  12 works, we saw someone shut down the system deliberately.                  13 If we did not file the SDN, that's not in compliance                  14 with the procedures. If we saw that no one submitted                  15 the SDN, we would ask them to do so.                  16 MR SW LEE: Well, on 27 May, rectification works was done.                  17 Is this understanding correct: Ah Keung did not touch                  18 the pump, he was not preparing to do it.                  19 MR CHUNG KIT MAN: Right.                  20 MR SW LEE: You were of the view you had to submit the SDN                  21 because you were the registered FSI contractor yourself;                  22 right?                  23 MR CHUNG KIT MAN: I didn't file it because of the                  24 renovation works. We were asked to do inspection. We                  25 saw problems with the mains and we did risk assessment</p>	<p>1 MR SW LEE: Can you confirm, whether it's in April or May,                  2 that you, Ah Keung or Mr Wong from Victory Fire never                  3 touched the pump?                  4 MR CHUNG KIT MAN: Yes, I can confirm that.                  5 MR SW LEE: You confirm?                  6 MR CHUNG KIT MAN: Yes.                  7 MR SW LEE: After the works, you did not switch on the pump                  8 or look at the water tank?                  9 MR CHUNG KIT MAN: We did look at the water tank.                  10 MR SW LEE: You only looked at the photos?                  11 MR CHUNG KIT MAN: Yes. We saw that there was water at the                  12 water tank.                  13 MR SW LEE: You did not go there personally?                  14 MR CHUNG KIT MAN: No.                  15 MR SW LEE: Did Ah Keung go up to look at the water tank?                  16 MR CHUNG KIT MAN: No.                  17 MR SW LEE: Then who sent you the photo?                  18 MR CHUNG KIT MAN: Ms Cheng sent us the photo. I asked her                  19 for it.                  20 MR SW LEE: So when Counsel Lam asked about photos of the                  21 works, you did not take them yourselves?                  22 MR CHUNG KIT MAN: We did take the photos of the replaced                  23 mains.                  24 MR SW LEE: But you did not take photos of the water tank.                  25 Regardless, Victory Fire informed the FSD that on the</p>

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<p>1 26th or 27th the fire services system could be shut down                  2 for more than 24 hours?                  3 MR CHUNG KIT MAN: On 27 May, the works were completed and                  4 starting from 3 April, the system was shut down.                  5 MR SW LEE: You filed this on behalf of Victory Fire                  6 Engineering Co Ltd and the fact is that Victory Fire                  7 never touched the pump?                  8 MR CHUNG KIT MAN: True.                  9 MR SW LEE: No follow-up questions.                  10 THE HON MR JUSTICE DAVID LOK: Thank you, Mr Chung. You                  11 have completed your testimony.                  12 (The witness was released)                  13 (12.30 pm)                  14 THE HON MR JUSTICE DAVID LOK: Counsel Dawes.                  15 MR VICTOR DAWES: Chairman, the next witness is                  16 Mr Leung Ping Kay from China Status Development and                  17 Engineering Co Ltd.                  18 Mr Leung, good morning. Before you is a simple                  19 declaration. Please stand up and read it out.                  20 (12.31 pm)                  21 MR LEUNG PING KAY (affirmed)                  22 Examination by MR VICTOR DAWES                  23 MR VICTOR DAWES: Thank you. Please be seated. Would you                  24 like to lay your bag on the ground.                  25 Thank you for coming to this evidential hearing to</p>	<p>1 MR LEUNG PING KAY: Right.                  2 MR VICTOR DAWES: How many years have you been a director                  3 for China Status?                  4 MR LEUNG PING KAY: Starting from 2014 till now.                  5 MR VICTOR DAWES: So you were a director when you first                  6 joined?                  7 MR LEUNG PING KAY: Yes.                  8 MR VICTOR DAWES: I believe that you understand this: in                  9 order to become a registered FSI contractor, you have to                  10 obtain some professional qualifications. You understand                  11 that?                  12 MR LEUNG PING KAY: Yes.                  13 MR VICTOR DAWES: Please refer to bundle B2, page 145. This                  14 is Fire Service (Installation Contractors) Regulations.                  15 I believe that you are well versed with the regulations?                  16 MR LEUNG PING KAY: Yes.                  17 MR VICTOR DAWES: Please assist us in understanding these                  18 few items. If you look at item 2, paragraph 2, there's                  19 a definition of an "applicant".                  20 If you go to page 146, regulation 3, it's about the                  21 conditions and qualifications to become a registered                  22 contractor.                  23 If you go to page 149, regulation 4, it's about                  24 different licences. Subparagraph (2), the applicant to                  25 file for parts I and II of the Council of Engineering</p>
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<p>1 assist us. I'd like you to complete your evidence soon,                  2 so please listen carefully to my questions. I will give                  3 you ample time to explain and state your status or                  4 position.                  5 You have made two witness statements to the                  6 Independent Committee. One was admitted last week.                  7 I believe that you can confirm that the content in the                  8 two witness statements were true and accurate?                  9 MR LEUNG PING KAY: Yes.                  10 MR VICTOR DAWES: In your second witness statement,                  11 WS7/1876, in paragraph 5 you talked about your work                  12 experience. We see that from 1998 to 2014 you worked at                  13 a few different companies as an engineer.                  14 MR LEUNG PING KAY: Yes.                  15 MR VICTOR DAWES: Are all these three companies registered                  16 FSI contractors?                  17 MR LEUNG PING KAY: Yes.                  18 MR VICTOR DAWES: One of them, (b), Yearman Industrial Ltd,                  19 it is still now registered and licensed. You know that?                  20 MR LEUNG PING KAY: Right.                  21 MR VICTOR DAWES: In September 2014 you joined China Status.                  22 Until now you are a director of the company; correct?                  23 MR LEUNG PING KAY: Yes.                  24 MR VICTOR DAWES: You are a shareholder. You own                  25 30 per cent of the company?</p>	<p>1 Institution for Corporate Membership of Institution of                  2 Electrical Engineering and one of it has to hold degree                  3 in, as I said, electrical engineering, satisfying the                  4 examination requirements of the Council of Engineering                  5 Institutions for corporate membership of the Institution                  6 of Electrical Engineers.                  7 MR LEUNG PING KAY: Right.                  8 MR VICTOR DAWES: That's just one of the ways to become a                  9 contractor. There are other ways to become a                  10 contractor. You understand all these; right?                  11 MR LEUNG PING KAY: Yes.                  12 MR VICTOR DAWES: This is class 1. In subparagraph (3), an                  13 applicant for registration in class 2 needs to produce                  14 some other evidence. They are about waterworks-related                  15 qualifications.                  16 MR LEUNG PING KAY: Right.                  17 MR VICTOR DAWES: You're all rather class 1 or class 2                  18 licences?                  19 MR LEUNG PING KAY: Right.                  20 MR VICTOR DAWES: Did you apply for it before you joined or                  21 after you joined?                  22 MR LEUNG PING KAY: I made the application after I joined.                  23 MR VICTOR DAWES: Did the company fulfil the qualifications                  24 after you've joined?                  25 MR LEUNG PING KAY: No. Other directors hold these</p>

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<p>1 qualifications.</p> <p>2 MR VICTOR DAWES: You also hold these qualifications?</p> <p>3 MR LEUNG PING KAY: I don't have the relevant degrees.</p> <p>4 MR VICTOR DAWES: Do you hold other qualifications that</p> <p>5 would fulfil these criteria?</p> <p>6 MR LEUNG PING KAY: I don't hold these qualifications.</p> <p>7 MR VICTOR DAWES: So you understand the requirements. The</p> <p>8 application was filed after you joined?</p> <p>9 MR LEUNG PING KAY: Yes.</p> <p>10 MR VICTOR DAWES: If you look at the regulations, the</p> <p>11 regulation states the requirements to become</p> <p>12 a registered contractor. Let's look at regulation</p> <p>13 6A(2). The registered contractor, if they cannot fulfil</p> <p>14 the duties, they have to meet other requirements. You</p> <p>15 understand the regulations; right?</p> <p>16 MR LEUNG PING KAY: Yes.</p> <p>17 MR VICTOR DAWES: To put it simply, the registered</p> <p>18 contractor, if they are not in Hong Kong or if they are</p> <p>19 sick, they cannot carry their duties for whatever</p> <p>20 reasons, the works cannot be completed. You have to</p> <p>21 wait until that relevant contractor comes back; right?</p> <p>22 MR LEUNG PING KAY: Yes.</p> <p>23 MR VICTOR DAWES: And regulation 7, we see that if the</p> <p>24 qualified person is no longer with the company, you have</p> <p>25 to inform the FSD?</p>	<p>1 maintenance, repair or inspection of FSI or equipment,</p> <p>2 there was misconduct or negligence.</p> <p>3 In November you did not notify the FSD about the</p> <p>4 fire services system having to be shut down for more</p> <p>5 than 24 hours at a building in Kwai Chung. Were you</p> <p>6 a part of it?</p> <p>7 MR LEUNG PING KAY: No.</p> <p>8 MR VICTOR DAWES: But as a director of the company, you were</p> <p>9 aware of it?</p> <p>10 MR LEUNG PING KAY: Correct.</p> <p>11 MR VICTOR DAWES: That was about you breaching requirements</p> <p>12 on a shutdown notice?</p> <p>13 MR LEUNG PING KAY: Correct.</p> <p>14 MR VICTOR DAWES: And on that occasion your company was</p> <p>15 ordered to suspend the registration for three weeks?</p> <p>16 MR LEUNG PING KAY: Yes.</p> <p>17 MR VICTOR DAWES: Can you tell us about this breach? After</p> <p>18 that, did you review your system, or what actions have</p> <p>19 you taken?</p> <p>20 MR LEUNG PING KAY: Mainly the other director followed up on</p> <p>21 this matter, Mr Yim.</p> <p>22 MR VICTOR DAWES: Mr Yim also submitted a witness statement</p> <p>23 but he didn't intend to testify in the evidential</p> <p>24 hearing; is that correct?</p> <p>25 MR LEUNG PING KAY: Well, decided by him.</p>
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<p>1 MR LEUNG PING KAY: Yes.</p> <p>2 MR VICTOR DAWES: Please look at regulation 9. It talks</p> <p>3 about the mechanism of disciplinary board. You</p> <p>4 understand that?</p> <p>5 MR LEUNG PING KAY: Yes.</p> <p>6 MR VICTOR DAWES: A qualified person or qualified company,</p> <p>7 if they breach the relevant requirements, the</p> <p>8 disciplinary board can take certain actions against</p> <p>9 them, they can convene a hearing?</p> <p>10 MR LEUNG PING KAY: Yes.</p> <p>11 MR VICTOR DAWES: You've joined China Status for some 10-odd</p> <p>12 years. You fully understand the relevant requirements?</p> <p>13 MR LEUNG PING KAY: Yes.</p> <p>14 MR VICTOR DAWES: Can I put it this way: China Status had</p> <p>15 been disciplined or penalised with the disciplinary</p> <p>16 board system under the FSD?</p> <p>17 MR LEUNG PING KAY: Correct.</p> <p>18 MR VICTOR DAWES: And that happened in December 2021,</p> <p>19 China Status was penalised by FSD. Please look at</p> <p>20 bundle A3, page 216. This is the government notice.</p> <p>21 Here we see that the disciplinary board on</p> <p>22 15 December, in accordance with regulation 10, after</p> <p>23 hearing, were satisfied that the class 1 and class 2</p> <p>24 qualified FSI company China Status has breached the</p> <p>25 regulations in relation to the installation,</p>	<p>1 MR VICTOR DAWES: I'm asking based on your understanding</p> <p>2 because you are the only person from your company</p> <p>3 testifying and you said this matter was handled by him.</p> <p>4 MR LEUNG PING KAY: Well, yes.</p> <p>5 MR VICTOR DAWES: After that breach, what have you taken to</p> <p>6 ensure that there won't be further breach in the future?</p> <p>7 MR LEUNG PING KAY: Based on my understanding, renovation on</p> <p>8 one floor. In 2020, before the latest SDN requirements</p> <p>9 in 2021 came into effect, the requirement back then was</p> <p>10 that for one single floor, SDN still needed to be filed,</p> <p>11 hence the breach. In 2021, after January, if only one</p> <p>12 floor was involved, it didn't have to be filed. Well,</p> <p>13 that was what Mr Yim told me. Mr Yim attended the</p> <p>14 disciplinary board and that was what he had been told.</p> <p>15 MR VICTOR DAWES: I don't want to make it difficult for you,</p> <p>16 as it was Mr Yim who handled it. I'm going to move on</p> <p>17 to another area.</p> <p>18 In your second witness statement, page 1877, I want</p> <p>19 everyone to understand what you are saying because not</p> <p>20 everyone has read your witness statement. In</p> <p>21 paragraph 12 on page 1877 you set out the work of</p> <p>22 China Status. Do you understand the English in your</p> <p>23 witness statement?</p> <p>24 MR LEUNG PING KAY: Yes.</p> <p>25 MR VICTOR DAWES: Okay, then we can continue. In</p>

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<p>1 paragraph 12(d), you said that you would "arrange annual                  2 inspections".                  3 MR LEUNG PING KAY: Yes.                  4 MR VICTOR DAWES: Did you need to attend the annual                  5 inspections on site?                  6 MR LEUNG PING KAY: Workers would be sent to the site.                  7 MR VICTOR DAWES: When workers were sent to the site,                  8 directors or people with professional qualifications,                  9 would they be sent to the site?                  10 MR LEUNG PING KAY: We just arrange for workers to go to the                  11 site.                  12 MR VICTOR DAWES: Well, listen to my question very                  13 carefully. Directors or those with professional                  14 qualifications, would they go to the site?                  15 MR LEUNG PING KAY: Well, for Mr Yim, he had the                  16 qualifications.                  17 MR VICTOR DAWES: Was he the one with professional                  18 qualifications?                  19 MR LEUNG PING KAY: Do you mean classes 1 or 2?                  20 MR VICTOR DAWES: Let me ask you once again. When you need                  21 to make arrangements for annual inspections, who in your                  22 company would be sent to the inspections?                  23 MR LEUNG PING KAY: Annual inspections, you mean the one                  24 conducting the annual inspections?                  25 MR VICTOR DAWES: Yes.</p>	<p>1 "I or my staff would attend the site to inspect the                  2 works required ..."                  3 MR LEUNG PING KAY: Yes.                  4 MR VICTOR DAWES: And you said:                  5 "This allows me to make the relevant plan ..."                  6 MR LEUNG PING KAY: Mmm.                  7 MR VICTOR DAWES: And then afterwards you would then issue                  8 a quotation. And you said:                  9 "If engaged, I would apply for the SDN where                  10 shutdown of Fire service installation/equipment is                  11 required or necessary."                  12 Is that right?                  13 MR LEUNG PING KAY: Yes.                  14 MR VICTOR DAWES: And you also set out clearly, if engaged,                  15 if necessary, you would make an application. So you                  16 would assess whether there is any need to shut it down                  17 before you make an application for the SDN?                  18 MR LEUNG PING KAY: Right.                  19 MR VICTOR DAWES: And I believe you would agree that for                  20 these fire service installations, they could not be                  21 turned off lightly, only when it is necessary would                  22 these systems be turned off?                  23 MR LEUNG PING KAY: Yes.                  24 MR VICTOR DAWES: When you or your workers go to the site to                  25 assess whether an SDN needs to be submitted, does this</p>
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<p>1 MR LEUNG PING KAY: Mr Yim, Mr Yim would go to the site.                  2 MR VICTOR DAWES: Did Mr Yim go every time?                  3 MR LEUNG PING KAY: Not necessarily.                  4 MR VICTOR DAWES: So who would go to the site?                  5 MR LEUNG PING KAY: Mr Yim's workers.                  6 MR VICTOR DAWES: So either Mr Yim or workers of the company                  7 would go to the site?                  8 MR LEUNG PING KAY: Mmm.                  9 MR VICTOR DAWES: So how does your company monitor the                  10 annual inspections at the site?                  11 MR LEUNG PING KAY: They would prepare reports, they would                  12 check the alarm, they would take videos, take pictures.                  13 MR VICTOR DAWES: So there would be record to record the                  14 operation of the fire system and that would be sent to                  15 the company?                  16 MR LEUNG PING KAY: Yes.                  17 MR VICTOR DAWES: In 12(e) we have mentioned the shutdown                  18 notice in this evidentiary hearing many times. To                  19 prepare a shutdown notice, when it comes to the                  20 procedures, I believe you would go to the site for an                  21 inspection; is that correct?                  22 MR LEUNG PING KAY: Yes.                  23 MR VICTOR DAWES: In paragraph 20 there is an explanation,                  24 "SDN application after site inspection". And you wrote                  25 "standard steps". Here:</p>	<p>1 happen quite frequently?                  2 MR LEUNG PING KAY: Mainly our company works on fire service                  3 orders. For these, SDNs are submitted. That is because                  4 it involves the replacement of, for instance,                  5 break-glass units. So for most works, SDNs are                  6 involved.                  7 MR VICTOR DAWES: So when you carry out these works,                  8 you would see if there is a need to submit an SDN. If                  9 the time period is short, then you might not have to                  10 submit the SDN?                  11 MR LEUNG PING KAY: That is within 24 hours. Yes.                  12 MR VICTOR DAWES: So you need conduct an assessment to see                  13 if it needs to be shut down for 24 hours. If the works                  14 could be completed within 24 hours, there's no need to                  15 submit an SDN and that is as simple.                  16 MR LEUNG PING KAY: Right.                  17 MR VICTOR DAWES: So it is important to assess the time                  18 required; is that correct?                  19 MR LEUNG PING KAY: Yes.                  20 MR VICTOR DAWES: I'd like to refer you to your first                  21 witness statement, because not everyone has read this                  22 document, paragraph 27. Here, some pieces of                  23 legislation and codes of practice are set out and you                  24 said, according to your understanding, regarding fire                  25 hydrants and fire hose and reel systems, for those in</p>

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<p>1 relation to SDNs, we can see a code of practice,                  2 Inspection and Testing of Installations and Equipment,                  3 we can see this under paragraph (ii), the version in                  4 2022.                  5 MR LEUNG PING KAY: Right.                  6 MR VICTOR DAWES: Another important document is FSD circular                  7 letter 1/2021. This is a rather important document. Do                  8 you agree?                  9 MR LEUNG PING KAY: Yes.                  10 MR VICTOR DAWES: This came into effect in 2021 and I                  11 believe you are familiar with this circular?                  12 MR LEUNG PING KAY: Yes.                  13 MR VICTOR DAWES: I want you to take a look at the circular                  14 in B2/1303. Let us go to that page, 1302. This                  15 circular was sent by the FSD to all registered FSI                  16 contractors, and of course all FSICs have gone through                  17 this circular.                  18 MR LEUNG PING KAY: Yes.                  19 MR VICTOR DAWES: Has your company?                  20 MR LEUNG PING KAY: Yes, we did look at it.                  21 MR VICTOR DAWES: Please go to page 1303 and take a look at                  22 paragraph (A). There's a Chinese version. Let us take                  23 a look at the English version first. It might be easier                  24 if we refer to the English version.                  25 Can you read the English version?</p>	<p>1 And we can see (F):                  2 "If extension of FSI shutdown period is required,                  3 the RFSIC should submit a written notification of                  4 extension to the FSD before the ... scheduled date of                  5 completion."                  6 So you can see right here that is in the event of an                  7 extension, the RFSIC should submit a notification of                  8 extension to the FSD. You understand; right?                  9 MR LEUNG PING KAY: Yes.                  10 MR VICTOR DAWES: I want you to take a look at                  11 paragraph (G):                  12 "On the other hand, if the RFSIC is no longer                  13 employed for the work(s), a written notification to the                  14 FSD should be submitted before the previously scheduled                  15 date of completion ..."                  16 Can you see that, paragraph (G)?                  17 MR LEUNG PING KAY: Yes.                  18 MR VICTOR DAWES: In other words, if the RFSIC is no longer                  19 employed for the works, a written notification to the                  20 FSD should be submitted before the previously scheduled                  21 date of completion. You understand the relevant                  22 regulation; is that correct?                  23 MR LEUNG PING KAY: Yes.                  24 MR VICTOR DAWES: That is, if you are replaced by another                  25 contractor, you need to notify the FSD before the</p>
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<p>1 MR LEUNG PING KAY: Yes.                  2 MR VICTOR DAWES: Well, chairman, the Chinese version is in                  3 A3, page 20.                  4 Paragraph (A):                  5 "When an RFSIC is employed to maintain/inspect/                  6 modify/repair the following FSI(s) of which the work(s)                  7 is/are expected to be carried out overnight or for more                  8 than 24 hours continuously, the RFSIC should notify the                  9 FSD the defect(s) as soon as possible within 24 hours                  10 after the defect(s) is/are identified literally."                  11 Do you understand this sentence?                  12 MR LEUNG PING KAY: Roughly. More than 24 hours.                  13 MR VICTOR DAWES: And after comma, you can see, "the RFSIC                  14 should notify". So you understand the responsibility to                  15 notify the FSD rests on the contractor?                  16 MR LEUNG PING KAY: Yes.                  17 MR VICTOR DAWES: And you can see number 1:                  18 "Fire Hydrant/Hose Reel System                  19 ...                  20 3. Fire Alarm System".                  21 And we're concerned with these two systems. You                  22 understand?                  23 MR LEUNG PING KAY: Yes.                  24 MR VICTOR DAWES: From (F) to (I) let us read the relevant                  25 regulation.</p>	<p>1 completion of the completion date.                  2 MR LEUNG PING KAY: Yes.                  3 MR VICTOR DAWES: (H):                  4 "Under normal circumstances, the written                  5 notification shall only be completed and signed by the                  6 Qualified Person ... or Authorised Signatory ..."                  7 Who is the qualified person, QP, of your company?                  8 MR LEUNG PING KAY: Well, applicant -- the applicant should                  9 be Mr Yim.                  10 MR VICTOR DAWES: So QP is Mr Yim Choi Wah, Alex Yim; right?                  11 MR LEUNG PING KAY: Yes.                  12 MR VICTOR DAWES: What about the authorised signatory of                  13 your company? Who?                  14 MR LEUNG PING KAY: Well, me, the authorised signatory. And                  15 the other, Mr Leung.                  16 MR VICTOR DAWES: The full name of Mr Leung?                  17 MR LEUNG PING KAY: Mr Leung Chi Wai.                  18 MR VICTOR DAWES: And please read paragraph (I). It sets                  19 out:                  20 "In respect of subparagraph (F), QP/AS [Mr Yim and                  21 Mr Leung in your case] of RFSIC should critically review                  22 the need for extension of FSI shutdown and personally                  23 confirm such need/resumption of FSI vide the written                  24 notification."                  25 Did you understand this regulation? You understand</p>

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<p>1 it? That is the QP or the AS of RFSIC should critically</p> <p>2 review the need of extension of FSI shutdown and</p> <p>3 personally confirm such need for resumption of the FSI,</p> <p>4 they need to sign it in person. You understand it?</p> <p>5 MR LEUNG PING KAY: Yes.</p> <p>6 MR VICTOR DAWES: So all along you understand these</p> <p>7 regulation, not just today; is that correct?</p> <p>8 MR LEUNG PING KAY: Correct.</p> <p>9 MR VICTOR DAWES: Based on your understanding, when FSIs are</p> <p>10 shut down or suspended, for you to critically review the</p> <p>11 need for extension for FSI shutdown, this requirement is</p> <p>12 very serious, that's why the QP or the AS needs to be</p> <p>13 responsible for this personally?</p> <p>14 MR LEUNG PING KAY: Right.</p> <p>15 MR VICTOR DAWES: So would you agree with me that for one to</p> <p>16 apply for the extension of the FSI shutdown, as the</p> <p>17 contractor, you cannot just rely on the owner to tell</p> <p>18 you this and you cannot just apply for extension to the</p> <p>19 FSD based on what the owners told you?</p> <p>20 MR LEUNG PING KAY: Well, the water tanks --</p> <p>21 MR VICTOR DAWES: I will go over the water tanks with you</p> <p>22 later on.</p> <p>23 It is your responsibility to critically review the</p> <p>24 extension and the period, not just acting on what others</p> <p>25 tell you. Do you agree?</p>	<p>1 would return to normal operation as soon as possible.</p> <p>2 Do you agree?</p> <p>3 MR LEUNG PING KAY: Yes.</p> <p>4 MR VICTOR DAWES: I do believe that doing it by stages will</p> <p>5 mean that for certain portion of the system, it can be</p> <p>6 kept running, right?</p> <p>7 MR LEUNG PING KAY: Yes.</p> <p>8 MR VICTOR DAWES: Using Wang Fuk Court as an example, there</p> <p>9 is no reason to shut down all eight systems of the eight</p> <p>10 blocks. If necessary, just shut down the system of one</p> <p>11 block. Do you agree?</p> <p>12 MR LEUNG PING KAY: I agree.</p> <p>13 MR VICTOR DAWES: Let's look at 1306. This is the page.</p> <p>14 1306 of the circular letter. 1305, the heading says</p> <p>15 "Special Attention". The paragraph under, it says that:</p> <p>16 "The notification of FSI shutdown to the FSD shall</p> <p>17 only be made using the Notification Form in Appendix I</p> <p>18 that any other types of written or verbal notification</p> <p>19 [is not] accepted."</p> <p>20 It says that only appendix I of the form should be</p> <p>21 used.</p> <p>22 MR LEUNG PING KAY: Right.</p> <p>23 MR VICTOR DAWES: And in page 1308 it is in relation to the</p> <p>24 list of appendices. We have shown these documents in</p> <p>25 the hearing.</p>
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<p>1 Please answer me. Don't just nod.</p> <p>2 MR LEUNG PING KAY: Yes.</p> <p>3 MR VICTOR DAWES: And we just went over this. QP or AS of</p> <p>4 RFSIC needs to confirm this in person, not just anyone</p> <p>5 within your company. It needs to be confirmed by the QP</p> <p>6 or the AS.</p> <p>7 MR LEUNG PING KAY: Yes.</p> <p>8 MR VICTOR DAWES: And subparagraph (E):</p> <p>9 "Disruption to the normal operation of the FSI</p> <p>10 caused by its shutdown should be kept to the minimum. A</p> <p>11 systematic approach should be adopted in carrying out</p> <p>12 the works. The affected FSI should be shut down by</p> <p>13 sections and be resumed normal as soon as practicable.</p> <p>14 If the affected portion of the system could not be</p> <p>15 reinstated to normal working condition by the end of</p> <p>16 a working shift, arrangements should be made for the</p> <p>17 portion to be isolated and the remainder of the system</p> <p>18 to be reinstated."</p> <p>19 Do you understand these regulations?</p> <p>20 MR LEUNG PING KAY: Yes.</p> <p>21 MR VICTOR DAWES: In other words, shutting off the normal</p> <p>22 operation of the FS should be kept to the minimum and</p> <p>23 doing it by phases should be considered; right?</p> <p>24 MR LEUNG PING KAY: Yes.</p> <p>25 MR VICTOR DAWES: And you have to ensure that the system</p>	<p>1 Let's shrink this document. Look at the lower half,</p> <p>2 "Notes". It tells you about what you already know:</p> <p>3 "Please note that in general, other than improvement</p> <p>4 works required by the law, every shutdown or extension</p> <p>5 should not be more than 14 days."</p> <p>6 It is judicial notice in the trade; right?</p> <p>7 MR LEUNG PING KAY: Right.</p> <p>8 MR VICTOR DAWES: Note 3, above, it says "Resumption of</p> <p>9 FSI". It says that the system after shutdown will have</p> <p>10 to be checked by the contractor and within 14 days</p> <p>11 a certificate will have to be issued. It says here</p> <p>12 there is a requirement that the certificate has to be</p> <p>13 issued in 14 days. It's FS251?</p> <p>14 MR LEUNG PING KAY: Right.</p> <p>15 MR VICTOR DAWES: It's called good cert, what you commonly</p> <p>16 call it; right?</p> <p>17 MR LEUNG PING KAY: Yes.</p> <p>18 MR VICTOR DAWES: So the registered FSI contractor, there is</p> <p>19 a requirement to personally check the FSI and ensure</p> <p>20 that the issuance and completion of the relevant part</p> <p>21 are done?</p> <p>22 MR LEUNG PING KAY: Right.</p> <p>23 MR VICTOR DAWES: Let's look at an earlier page, 1306. The</p> <p>24 paragraph that says "In addition". It says that:</p> <p>25 "In addition to the notification mechanism set out</p>

<p>Page 109</p> <p>1 in the aforesaid paragraphs, the following guidelines                  2 should also be observed by the RFSIC concerned when an                  3 FSI is expected to be shut down overnight or for more                  4 than 24 hours ..."</p> <p>5 If an FSI is expected to be shut down overnight or                  6 for more than 24 hours, these guidelines will have to be                  7 observed. It says here:                  8 "(c) Shutting down the whole system for a prolonged                  9 period should be avoided and the affected FSI system                  10 should be resumed as [soon] as practicable."                  11 Can you see that?                  12 MR LEUNG PING KAY: Yes.                  13 MR VICTOR DAWES: You understand that there is a duty to                  14 avoid prolonged shutdown and the system will have to be                  15 resumed as soon as possible.                  16 MR LEUNG PING KAY: Yes.                  17 MR VICTOR DAWES: We will break for lunch after we've seen                  18 these paragraphs. Page 1307. The end of the "Special                  19 Attention". So bold letters. It says that:                  20 "Against this background, the Director is of the                  21 view that (i) failure to follow the procedures of                  22 notification to the Director as stipulated in this                  23 Circular Letter or (ii) any undue, arbitrary or                  24 deliberate delay of FSI works, may amount to 'improper                  25 conduct or negligence' in the maintenance/repair of the</p>	<p>Page 111</p> <p>1 THE HON MR JUSTICE DAVID LOK: We will resume at 2.15.                  2 (1.06 pm)                  3 (The luncheon adjournment)                  4 (2.15 pm)                  5 THE HON MR JUSTICE DAVID LOK: Do continue, Mr Dawes.                  6 MR VICTOR DAWES: Thank you for coming back to assist us.                  7 I would like to say to you that in your first statement                  8 you frankly explained what you have done. I want to                  9 confirm that my understanding is correct first.                  10 In relation to the job at Wang Fuk Court, other than                  11 the provision of additional fire extinguishers,                  12 China Status also submitted forms to the FSD, that is                  13 the SDNs, the FS251s mentioned this morning. Other than                  14 that, you have not done anything else.                  15 MR LEUNG PING KAY: Right.                  16 MR VICTOR DAWES: You did not personally go to Wang Fuk                  17 Court to check any of the FSIs and you did not                  18 independently make a judgment call in relation to the                  19 shutting down of the relevant FSIs. You agree?                  20 Let me take you to your first witness statement.                  21 Please show paragraph 14 at page 1511. Please go down.                  22 Paragraphs 14 and 15. Let me give you some time to read                  23 them. When you're done, let me know.                  24 MR LEUNG PING KAY: Yes.                  25 MR VICTOR DAWES: Am I right to say that according to you,</p>
<p>Page 110</p> <p>1 FSI, rendering the RFSIC concerned to unfit to be on the                  2 register."                  3 And at the end it says, the last paragraph, the last                  4 line:                  5 "... the RFSIC concerned may be referred to the                  6 disciplinary board by the Director of Fire Services."                  7 You understand the requirement set out here; right?                  8 MR LEUNG PING KAY: Well, there are words that I don't know.                  9 MR VICTOR DAWES: Do you want to refer to the Chinese                  10 version? I can tell you that considering all these                  11 factors, if it is to the view of the director that the                  12 circular letter was not followed or if there was any                  13 undue, arbitrary or deliberate delay of the FSI works,                  14 all these may amount to improper conduct or negligence                  15 which may lead to removal of the name registered. You                  16 are aware of that?                  17 MR LEUNG PING KAY: Yes.                  18 MR VICTOR DAWES: Your company has had experience a few                  19 years ago that there was a disciplinary hearing and                  20 there was a removal of three weeks.                  21 MR LEUNG PING KAY: Yes.                  22 MR VICTOR DAWES: There is also a possibility that will be                  23 a permanent removal; right?                  24 MR LEUNG PING KAY: I am aware of that.                  25 MR VICTOR DAWES: After lunch we will look at this case.</p>	<p>Page 112</p> <p>1 when Prestige informed you that when a building had to                  2 submit an SDN you would prepare the document; first                  3 you would prepare and sign the SDN and then you asked                  4 Alex Yim to sign the FS251 and then both documents would                  5 be faxed to the FSD; is that right?                  6 MR LEUNG PING KAY: Yes.                  7 MR VICTOR DAWES: In paragraph 15 you talked about a signed                  8 FS251. According to your understanding, that is                  9 a certificate, the completion of the FSI repair work, or                  10 would it have to be filled in before the completion?                  11 MR LEUNG PING KAY: That has to be submitted for an annual                  12 inspection, checking or repair.                  13 MR VICTOR DAWES: But it's submitted at the time of the                  14 completion?                  15 MR LEUNG PING KAY: Right.                  16 MR VICTOR DAWES: In a repair project, when will it be                  17 submitted; before, in the middle or at the completion?                  18 MR LEUNG PING KAY: Completion.                  19 MR VICTOR DAWES: So this is how it's worded. Bundle R,                  20 page 1, the quotation. Item 3, "Certificate of                  21 completion in relation to repair of the FS tank", that's                  22 what it says. It seems that before the completion of                  23 the maintenance of FS tank, FS251 was submitted by                  24 China Status.                  25 MR LEUNG PING KAY: Right.</p>

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<p>1 MR VICTOR DAWES: Were you aware of that?</p> <p>2 MR LEUNG PING KAY: Yes.</p> <p>3 MR VICTOR DAWES: Can you tell us, just now you said that</p> <p>4 it would be submitted upon completion. How come on this</p> <p>5 occasion, before the work was completed, FS251 was</p> <p>6 submitted; can you recall?</p> <p>7 MR LEUNG PING KAY: At that time the FSD asked us to submit</p> <p>8 it. The first time when the SDN was issued, it was</p> <p>9 prepared but it was not submitted. So it was faxed to</p> <p>10 the FSD.</p> <p>11 MR VICTOR DAWES: In other words, the FSD urged you to</p> <p>12 submit it, that's why you did it?</p> <p>13 MR LEUNG PING KAY: Correct.</p> <p>14 MR VICTOR DAWES: I will go through some other documents</p> <p>15 with you. Here, if you look at your second witness</p> <p>16 statement, bundle WS7/1885. In paragraph 57, SDN</p> <p>17 application renewal, you said in general, the Wang Fuk</p> <p>18 Court, you would hand the SDN application forms over to</p> <p>19 Mr Yim and then he will sign the FS251.</p> <p>20 And then you said:</p> <p>21 "After signing, Ms Daisy Chung sent the documents to</p> <p>22 the FSD by fax."</p> <p>23 Apart from sending it to FSD, would Ms Chung send it</p> <p>24 to someone else? To the management office? To</p> <p>25 Prestige?</p>	<p>1 MR VICTOR DAWES: Please go to paragraph 30. This is at</p> <p>2 page 1514. Can you read it out for everyone.</p> <p>3 MR LEUNG PING KAY: It says after submitting applications --</p> <p>4 MR VICTOR DAWES: I meant to ask you to read it out. Maybe</p> <p>5 I read it out for you. It says:</p> <p>6 "Prior to submitting these applications, no</p> <p>7 representative of China Status attended Wang Fuk Court</p> <p>8 for the purposes of understanding first-hand the FH/HR</p> <p>9 System in place, the relevant renovation works proposed</p> <p>10 to be conducted there, the necessity of shutting down</p> <p>11 the FH/HR System for such renovation works, or the</p> <p>12 feasibility of putting in place additional fire services</p> <p>13 measures while the FH/HR System is shut down."</p> <p>14 This is your understanding?</p> <p>15 MR LEUNG PING KAY: Correct.</p> <p>16 MR VICTOR DAWES: Let's go to paragraph 48. This is about</p> <p>17 you. You said that:</p> <p>18 "I did not carry out any inspection at Wang Fuk</p> <p>19 Court during the period the FH/HR System was shut down.</p> <p>20 It is my understanding that no personnel of China Status</p> <p>21 did so during this period."</p> <p>22 So to put it simply, you did firmly confirm with us</p> <p>23 that in relation to the submission of applications, no</p> <p>24 one from China Status have attended Wang Fuk Court to</p> <p>25 look at what the FH/HR system was like and why the</p>
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<p>1 MR LEUNG PING KAY: If the stamped form has been received</p> <p>2 from the FSD, she would give it to me or upload it onto</p> <p>3 the WhatsApp group and then Prestige will receive it.</p> <p>4 There are only three parties in the WhatsApp group.</p> <p>5 MR VICTOR DAWES: You mean after FSD has replied to you?</p> <p>6 MR LEUNG PING KAY: Yes.</p> <p>7 MR VICTOR DAWES: What about when she sent it?</p> <p>8 MR LEUNG PING KAY: FSD usually replies within the same day.</p> <p>9 MR VICTOR DAWES: Usually. So it's likely or possible that</p> <p>10 they would not reply within the same day?</p> <p>11 MR LEUNG PING KAY: Usually we would receive the reply</p> <p>12 within the same day.</p> <p>13 MR VICTOR DAWES: So she should not upload it on to the</p> <p>14 group when she sent it?</p> <p>15 MR LEUNG PING KAY: Yes. Only when we receive the form back</p> <p>16 with a stamp from the FSD.</p> <p>17 MR VICTOR DAWES: Let me bring to you paragraph 16 of your</p> <p>18 first witness statement, page 1511. Here is the date</p> <p>19 when you submit SDNs for Wang Fuk Court. The deadline</p> <p>20 is within 14 days.</p> <p>21 MR LEUNG PING KAY: Extension is possible.</p> <p>22 MR VICTOR DAWES: Right. This is the list of dates you</p> <p>23 submit SDNs to FSD from April to September. You</p> <p>24 submitted SDN on multiple occasions?</p> <p>25 MR LEUNG PING KAY: Yes.</p>	<p>1 system needed to be shut down, as well as whether it was</p> <p>2 necessary for the fire services still needed to be shut</p> <p>3 down.</p> <p>4 MR LEUNG PING KAY: I never went there.</p> <p>5 MR VICTOR DAWES: So Prestige asked you to submit SDN and</p> <p>6 you did it at their instruction; right?</p> <p>7 MR LEUNG PING KAY: Yes.</p> <p>8 MR VICTOR DAWES: You did not give it any thought as to what</p> <p>9 you needed to do; you only did what they asked you to</p> <p>10 do?</p> <p>11 MR LEUNG PING KAY: Can I explain?</p> <p>12 MR VICTOR DAWES: You did explain and it was stated in your</p> <p>13 second witness statement. I will go into it with you</p> <p>14 later on. But in fact, you agreed with what I said?</p> <p>15 MR LEUNG PING KAY: Yes.</p> <p>16 MR VICTOR DAWES: But you have an explanation as to why you</p> <p>17 did it; am I fair in saying that?</p> <p>18 MR LEUNG PING KAY: Yes.</p> <p>19 MR VICTOR DAWES: Would you agree that when China Status</p> <p>20 submitted the SDN applications to the FSD, you were just</p> <p>21 a rubberstamp, you only did what you were asked to do?</p> <p>22 Would you agree with that?</p> <p>23 MR LEUNG PING KAY: Yes.</p> <p>24 MR VICTOR DAWES: So this kind of rubberstamp-like</p> <p>25 operation, China Status did the same thing with other</p>

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1 projects?  
 2 MR LEUNG PING KAY: We usually send our own workers to do  
 3 the works, apart from this water tank project.  
 4 MR VICTOR DAWES: Please listen to me carefully. This kind  
 5 of rubberstamp-like operation, that is submitting a form  
 6 when you are asked to do so, have you done the same kind  
 7 of thing at other projects?  
 8 MR LEUNG PING KAY: Yes. With the projects with Prestige.  
 9 MR VICTOR DAWES: Does it include Mayland Court in Causeway  
 10 Bay?  
 11 MR LEUNG PING KAY: This one.  
 12 MR VICTOR DAWES: You received \$3,000 for it?  
 13 MR LEUNG PING KAY: Yes.  
 14 MR VICTOR DAWES: Any other projects apart from this?  
 15 MR CHUNG KIT MAN: Chung Shing, we also submitted FS251 but  
 16 we did send someone there to inspect.  
 17 MR VICTOR DAWES: Apart from Prestige, you did not adopt the  
 18 same practice for other projects?  
 19 MR CHUNG KIT MAN: As I've explained in my second witness  
 20 statement, they are also FSI contractor.  
 21 MR VICTOR DAWES: I know that you have an explanation.  
 22 I will go into it.  
 23 MR LEUNG PING KAY: We did send someone to inspect for other  
 24 projects.  
 25 MR VICTOR DAWES: So your answer is this: this is your

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1 service for Prestige. For other works, for other  
 2 projects, other developments, you did not adopt the same  
 3 practice?  
 4 MR LEUNG PING KAY: Because they are also FSI contractor.  
 5 MR VICTOR DAWES: So you agree with me but your explanation  
 6 is that since Prestige is also a registered FSI  
 7 contractor, that's why you adopted that practice.  
 8 MR LEUNG PING KAY: Right.  
 9 MR VICTOR DAWES: I will go into it later on.  
 10 MR LEUNG PING KAY: Right.  
 11 MR VICTOR DAWES: There are some WhatsApp records that I'd  
 12 like to show you. R1, page 13. This is a WhatsApp  
 13 group. There are a few people in it. Suspension of  
 14 fire alarm system. China Status, Daisy; that's your  
 15 colleague, Ms Chung?  
 16 MR LEUNG PING KAY: Yes.  
 17 MR VICTOR DAWES: It says "you" here, that's you?  
 18 MR LEUNG PING KAY: Correct.  
 19 MR VICTOR DAWES: And there's a word "Sang", that's  
 20 Mr Cheung from Prestige?  
 21 MR LEUNG PING KAY: Yes.  
 22 MR VICTOR DAWES: What's the full name of Mr Cheung?  
 23 MR LEUNG PING KAY: I don't know.  
 24 MR VICTOR DAWES: You only know he's Mr Cheung?  
 25 MR LEUNG PING KAY: Right.

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1 MR VICTOR DAWES: You said that all written correspondence  
 2 between you and Prestige is done through this WhatsApp  
 3 group?  
 4 MR LEUNG PING KAY: Yes.  
 5 MR VICTOR DAWES: Here it's 13 June. It says, "Wang Shing  
 6 House, please arrange for the filing of SDN next  
 7 Monday." You see that. Daisy replied, saying, "Got  
 8 it." And then what did Daisy send to the group, she  
 9 sent an SDN, shutdown notice, and asked Mr Cheung to  
 10 post it at the building. You see that?  
 11 MR LEUNG PING KAY: Yes.  
 12 MR VICTOR DAWES: Mr Cheung said, "Got it."  
 13 After that, Daisy sent another document. That's the  
 14 SDN; right?  
 15 MR LEUNG PING KAY: Yes.  
 16 MR VICTOR DAWES: You would agree that this is all the  
 17 written correspondence between you and Prestige, then  
 18 there are a lot missing out; there's no details on the  
 19 works?  
 20 MR LEUNG PING KAY: Right.  
 21 MR VICTOR DAWES: The conditions of the water tank, none?  
 22 MR LEUNG PING KAY: In this WhatsApp group.  
 23 MR VICTOR DAWES: It does not exist in any of the written  
 24 correspondence because all the written correspondence is  
 25 here. I will talk to you about the verbal or oral

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1 correspondence later on.  
 2 MR LEUNG PING KAY: Okay.  
 3 MR VICTOR DAWES: There is no written correspondence on any  
 4 of the things that I mentioned?  
 5 MR LEUNG PING KAY: No.  
 6 MR VICTOR DAWES: How long the system is to be shut down  
 7 for, there's no mention of it on the written records?  
 8 MR LEUNG PING KAY: We did talk about it on the phone.  
 9 MR VICTOR DAWES: But there's no written record of it?  
 10 MR LEUNG PING KAY: Because this group is just about  
 11 documents.  
 12 MR VICTOR DAWES: This group is also about messaging,  
 13 exchanges.  
 14 MR LEUNG PING KAY: Right.  
 15 MR VICTOR DAWES: For example, it says, "Please post it at  
 16 the building". Where should the notice be published or  
 17 posted?  
 18 MR LEUNG PING KAY: Well, at the lobby, at the guard post or  
 19 management office.  
 20 MR VICTOR DAWES: Would you know where it's posted?  
 21 Definitely not because you've never been there.  
 22 MR LEUNG PING KAY: No, never been there.  
 23 MR VICTOR DAWES: Let's look at the documents you submitted  
 24 to the Fire Services Department. Please look at  
 25 C1/1490. This is an SDN. We'd like you to help us with

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<p>1 this. Principally speaking, the FSD would rely on the</p> <p>2 representations the FSI contractors make on the notice</p> <p>3 before they decide on what action to take; you agree</p> <p>4 with that?</p> <p>5 MR LEUNG PING KAY: Yes.</p> <p>6 MR VICTOR DAWES: Did you fill out the form yourself? Or</p> <p>7 did your staff fill it out for you to sign?</p> <p>8 MR LEUNG PING KAY: This is for ...?</p> <p>9 MR VICTOR DAWES: This is Wang Shing House. If you don't</p> <p>10 remember, just say so.</p> <p>11 MR LEUNG PING KAY: I did not type it out, but I signed it.</p> <p>12 MR VICTOR DAWES: Here, suspension of fire hydrant/hose reel</p> <p>13 system was ticked, but the suspension of FAS was not</p> <p>14 ticked.</p> <p>15 MR LEUNG PING KAY: Yes.</p> <p>16 MR VICTOR DAWES: I believe that you agree that you never</p> <p>17 checked the fire alarm system if it was turned off</p> <p>18 because Prestige asked you to fill it out this way and</p> <p>19 you did it; right?</p> <p>20 MR LEUNG PING KAY: Yes, we only knew that the water tanks</p> <p>21 was being worked on.</p> <p>22 MR VICTOR DAWES: Because what you did was based on what</p> <p>23 Prestige told you?</p> <p>24 MR LEUNG PING KAY: Yes.</p> <p>25 MR VICTOR DAWES: Please look at the bottom of the form.</p>	<p>1 MR VICTOR DAWES: You did not tick this box and FSD would be</p> <p>2 of the understanding that you are the contractor. The</p> <p>3 information of the FSD would be incorrect?</p> <p>4 MR LEUNG PING KAY: Right.</p> <p>5 MR VICTOR DAWES: The SDN for other blocks are the same; you</p> <p>6 agree with that?</p> <p>7 MR LEUNG PING KAY: Yes.</p> <p>8 MR VICTOR DAWES: Let's continue to use Wang Shing as an</p> <p>9 example. Let's go to page 1424. I'd like you to look</p> <p>10 at part 2. Here, part 2, it says "Installation/ 11 Modification/Repair/Inspection work". You can see that?</p> <p>12 MR LEUNG PING KAY: Right.</p> <p>13 MR VICTOR DAWES: You did not do installation, modification,</p> <p>14 repair? FSD is of the view you did the inspection, but</p> <p>15 you did not?</p> <p>16 MR LEUNG PING KAY: They were responsible for checking the</p> <p>17 water tank because this is something professional, this</p> <p>18 is about FS water tank.</p> <p>19 MR VICTOR DAWES: To be fair, none of the works in part 2</p> <p>20 would be responsible by you, that is installation,</p> <p>21 modification, repair or inspection?</p> <p>22 MR LEUNG PING KAY: Correct.</p> <p>23 MR VICTOR DAWES: If this is how you filled out the form,</p> <p>24 then FSD would be of the view that you are the one to</p> <p>25 check the FS water tank. Do you agree?</p>
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<p>1 Note 1, can you see:</p> <p>2 "The abovementioned suspended fire services alarm is</p> <p>3 no longer responsible for by the company. Our company</p> <p>4 has already informed the contracted parties with the</p> <p>5 conditions of the system."</p> <p>6 When would you need to tick this box?</p> <p>7 MR LEUNG PING KAY: If the system continued to be suspended</p> <p>8 or if the contractor parties was no longer with us, then</p> <p>9 we have to tick it.</p> <p>10 MR VICTOR DAWES: We've looked at the circular letter. If</p> <p>11 you're replaced, then you have to tick it?</p> <p>12 MR LEUNG PING KAY: Right.</p> <p>13 MR VICTOR DAWES: You need to inform the FSD that you are no</p> <p>14 longer the contractor responsible. So, in other words,</p> <p>15 by the fact that you did not tick this on the form, the</p> <p>16 FSD would be of the understanding that you are the</p> <p>17 contractor responsible for the works; agreed?</p> <p>18 MR LEUNG PING KAY: Yes.</p> <p>19 MR VICTOR DAWES: But with regards to this form, this item,</p> <p>20 the understanding of FSD would be wrong because you're</p> <p>21 not the contractor responsible for the works; would you</p> <p>22 agree with that?</p> <p>23 MR LEUNG PING KAY: Disagreed. Because we're talking about</p> <p>24 water tanks. We're not the one to work on the water</p> <p>25 tanks.</p>	<p>1 MR LEUNG PING KAY: They wouldn't know that someone else was</p> <p>2 responsible. But if we're talking about water tank,</p> <p>3 then it would not be the FSI contractor to do it. You</p> <p>4 need some professional parties to do the water</p> <p>5 resistance work.</p> <p>6 MR VICTOR DAWES: Well, FSD would know that you cannot</p> <p>7 engage in such a work, they would know that you cannot</p> <p>8 be responsible for the installation, modification or</p> <p>9 repair work. But you would be able to do the</p> <p>10 inspection?</p> <p>11 MR LEUNG PING KAY: But as to how the water can leak from</p> <p>12 water tank, I don't know.</p> <p>13 MR VICTOR DAWES: But as a registered FSI contractor, water</p> <p>14 tank is a part of the fire services system. It would</p> <p>15 not be too difficult for you to check if there's water</p> <p>16 leakage of the water tank?</p> <p>17 MR LEUNG PING KAY: Right. But we would not know how to</p> <p>18 check water leakage or seepage at the water tank.</p> <p>19 MR VICTOR DAWES: As to whether there is water seepage from</p> <p>20 the water tank, it would not be part of your inspection?</p> <p>21 MR LEUNG PING KAY: We are not the expertise to check</p> <p>22 whether there is any water leakage. We are talking</p> <p>23 about water seepage because it would involve damaging of</p> <p>24 cement.</p> <p>25 MR VICTOR DAWES: We are talking about FS water tank.</p>

<p>Page 125</p> <p>1 MR LEUNG PING KAY: That's a cement tank or concrete tank.                  2 MR VICTOR DAWES: When you do inspection, when you see water                  3 seepage, you would tell someone; right?                  4 MR LEUNG PING KAY: Yes.                  5 MR VICTOR DAWES: You may say that you cannot inspect                  6 whether there is any water seepage. But as to this                  7 form, you are the one to fill out part 2 of the form.                  8 You said that you cannot do installation, modification,                  9 repair work; I understand that. But as for inspection,                  10 I believe that you agree that you can carry out such an                  11 inspection work?                  12 MR LEUNG PING KAY: Yes.                  13 MR VICTOR DAWES: And it's part of your work to inspect                  14 whether there is any water seepage in the fire services                  15 system?                  16 MR LEUNG PING KAY: That's a concrete tank. That's the work                  17 of a building expert or building professional.                  18 MR VICTOR DAWES: So you insist that you would not be able                  19 to notice?                  20 MR LEUNG PING KAY: But if it's about the dilapidation of                  21 concrete tank or aging problem, we would not be able to                  22 detect such defect.                  23 MR VICTOR DAWES: In the entire form we cannot see anyone                  24 responsible for checking if there is any leakage of the                  25 water tank in this form.</p>	<p>Page 127</p> <p>1 MR LEUNG PING KAY: I know what you mean.                  2 MR VICTOR DAWES: No, I mean do you agree that this is the                  3 meaning of the form. The FSD wouldn't be able to know                  4 what you think behind the form, the FSD relied on the                  5 information provided to you by the FSD. Do you agree?                  6 MR LEUNG PING KAY: Yes.                  7 MR VICTOR DAWES: Why was this form signed by Mr Yim but not                  8 you at the bottom right corner? Alex Yim didn't go to                  9 the site.                  10 MR LEUNG PING KAY: Right.                  11 MR VICTOR DAWES: So Alex Yim wouldn't know whether there                  12 was any water leakage? Would Prestige tell Mr Yim, or                  13 through you Prestige asked?                  14 MR LEUNG PING KAY: Prestige told them to carry out the                  15 water tank waterproof work, so usually we would only                  16 need to do such works in the event of concrete seepage.                  17 MR VICTOR DAWES: Actually, you are quite forthcoming. You                  18 said that you didn't go to the site to take a look at                  19 it?                  20 MR LEUNG PING KAY: Mmm.                  21 MR VICTOR DAWES: Let's take a look at what you have done.                  22 You wouldn't know first of all whether those tanks had                  23 leakage problems and whether they needed repair and, if                  24 they really needed repair, was it necessary to switch                  25 off the system; do you agree?</p>
<p>Page 126</p> <p>1 MR LEUNG PING KAY: Right.                  2 MR VICTOR DAWES: Part 2, it says, "Nature of work carried                  3 out", you put "Checking FS water tank". So it means                  4 that you've checked it; right?                  5 MR LEUNG PING KAY: We are not the one to check.                  6 MR VICTOR DAWES: I'm just talking about what's on the form.                  7 It says you checked it.                  8 MR LEUNG PING KAY: Right.                  9 MR VICTOR DAWES: "Comment on condition."                  10 "Water leakage, see defects at part 3."                  11 Do you see it?                  12 MR LEUNG PING KAY: Yes.                  13 MR VICTOR DAWES: You filled this out.                  14 MR LEUNG PING KAY: Yes.                  15 MR VICTOR DAWES: Let's go to part 3.                  16 "Outstanding defects".                  17 "1 no FS water tank water leakage."                  18 "Comment on defects: Need to repair."                  19 These are messages expressed by you to the FSD.                  20 MR LEUNG PING KAY: Mmm.                  21 MR VICTOR DAWES: In other words, when you submitted the                  22 form, the FSD would only see you and it was signed by                  23 your colleague, Alex Yim. You said that you went to                  24 check it, you saw that there was water tank water                  25 leakage and there was a need to repair?</p>	<p>Page 128</p> <p>1 MR LEUNG PING KAY: Whether there was any water leakage, we                  2 wouldn't know. We would need to conduct a check.                  3 MR VICTOR DAWES: Can I put it this way. To repair the                  4 tank, is it necessary to switch off the fire hose and                  5 reel system?                  6 MR LEUNG PING KAY: The upfeed system.                  7 MR VICTOR DAWES: Or would you have to think in order to                  8 repair the tank what components you had to repair first,                  9 how serious was the leakage; do you agree?                  10 MR LEUNG PING KAY: Yes.                  11 MR VICTOR DAWES: In other words, there was a possibility                  12 that for easier works they actually worked around so                  13 that the system wouldn't have to be shut down.                  14 You could explore whether there was a possibility that                  15 the system didn't have to be switched off or switched                  16 off for a shorter period of time or switched off for a                  17 few hours, for 24 hours in a row, and then you could                  18 have continued with the works in the next day?                  19 MR LEUNG PING KAY: But for other fire service installation,                  20 yes.                  21 MR VICTOR DAWES: So what about FS tank?                  22 MR LEUNG PING KAY: Well, normally, no.                  23 MR VICTOR DAWES: That means you didn't explore the                  24 possibility. You literally didn't consider whether this                  25 could be actually done. Continue with your explanation.</p>

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<p>1 MR LEUNG PING KAY: No. I mean for waterproof works it                  2 couldn't be done within a day.                  3 MR VICTOR DAWES: In theory, I agree with you. But it was                  4 your responsibility to explore different methods but you                  5 didn't do it at all. Do you agree?                  6 MR LEUNG PING KAY: Right.                  7 MR VICTOR DAWES: Just now you said for all eight blocks you                  8 didn't carry out any inspection. This morning I showed                  9 you circular 1/2021.                  10 MR LEUNG PING KAY: Yes.                  11 MR VICTOR DAWES: You didn't carry out any inspection, you                  12 just did what you were told to do, you didn't explore                  13 for how long the system needed to be shut down and                  14 whether it could be shut down for a shorter period of                  15 time. And this is against the circular letter we went                  16 over just now. Do you agree?                  17 MR LEUNG PING KAY: Mm.                  18 MR VICTOR DAWES: What does "mm" mean? Does it mean you                  19 agree?                  20 MR LEUNG PING KAY: Yes.                  21 MR VICTOR DAWES: I'd like you to help me with another                  22 issue. I'd like to refer you to your second witness                  23 statement paragraph 55.                  24 Prestige representative told you that the waterproof                  25 tank had seepage issues and you said:</p>	<p>1 the FS water tank needed to be repaired. Right?                  2 MR LEUNG PING KAY: Right.                  3 MR VICTOR DAWES: Not frequently, but you came across it;                  4 right?                  5 MR LEUNG PING KAY: True.                  6 MR VICTOR DAWES: Because FS water tank leakage issues                  7 didn't occur quite frequently.                  8 MR LEUNG PING KAY: Well, quite frequently, actually. After                  9 all, decades of ages of the building ... bottom of the                  10 tank.                  11 MR VICTOR DAWES: Listen to my question and hear me out.                  12 That will be quicker.                  13 MR LEUNG PING KAY: Sorry.                  14 MR VICTOR DAWES: It will be better for you. Based on your                  15 experience, you have been working in this industry for a                  16 long time.                  17 MR LEUNG PING KAY: Yes.                  18 MR VICTOR DAWES: You have been working in China Status for                  19 over 10 years, repairing FS water tanks which requires                  20 the submission of SDN. Is it quite common?                  21 MR LEUNG PING KAY: Yes.                  22 MR VICTOR DAWES: Usually for how long?                  23 MR LEUNG PING KAY: A few months, usually.                  24 MR VICTOR DAWES: Repairing water tanks, a few months, is                  25 that what you mean?</p>
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<p>1 "Based on Gordon's and/or Mr Cheung's                  2 representations, I honestly believed that:                  3 (a) Proper inspection had been carried out ..."                  4 Is it true?                  5 MR LEUNG PING KAY: Based on the representations.                  6 MR VICTOR DAWES: There were indeed leakage problems.                  7 MR LEUNG PING KAY: With the FS water tanks.                  8 MR VICTOR DAWES: For these representations, when did they                  9 tell you? I believe just once. They didn't have to                  10 repeat many times.                  11 MR LEUNG PING KAY: Well, once.                  12 MR VICTOR DAWES: I'd like to ask you, when they talked to                  13 you for the first time, they already told you so; is                  14 that correct? That is, when they talked to you the                  15 first time, before works in all the blocks started, they                  16 already told you so; is that correct? I didn't see such                  17 records on WhatsApp.                  18 MR LEUNG PING KAY: No.                  19 MR VICTOR DAWES: Based on your experience, how long does it                  20 take to conduct these water tank works?                  21 MR LEUNG PING KAY: I have really no idea. The works                  22 procedures aren't conducted by us.                  23 MR VICTOR DAWES: Well, I understand, but my question is you                  24 have been working in this industry for a long time, it                  25 wasn't the first time you came across a building where</p>	<p>1 MR LEUNG PING KAY: Yes, I believe so. I have seen cases                  2 where --                  3 MR VICTOR DAWES: A few months --                  4 MR LEUNG PING KAY: Well, FS water tanks vary in sizes.                  5 MR VICTOR DAWES: Maybe put it this way: there are larger                  6 tanks and smaller tanks, it depends on different                  7 factors.                  8 MR LEUNG PING KAY: Yes.                  9 MR VICTOR DAWES: Am I fair in saying so?                  10 MR LEUNG PING KAY: Yes.                  11 MR VICTOR DAWES: The period depends on for how long the                  12 hose and reel system needs to be shut down; right?                  13 MR LEUNG PING KAY: Yes.                  14 MR VICTOR DAWES: When you provide the price quote, were you                  15 told for how long the system needed to be repaired?                  16 MR LEUNG PING KAY: They said one year, but that didn't                  17 happen simultaneously. They said about one year for all                  18 of the blocks. They didn't happen in tandem.                  19 MR VICTOR DAWES: I believe you agreed the longer you need                  20 to conduct the repair, then the longer the system will                  21 have to be shut down, hence the high risks. Do you                  22 agree?                  23 MR LEUNG PING KAY: Yes.                  24 MR VICTOR DAWES: For the longer period of suspension, the                  25 RFSIC would be criticised by the FSD?</p>

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1 MR LEUNG PING KAY: Right.  
 2 MR VICTOR DAWES: And there would also be a higher  
 3 likelihood of sanctions or disciplinary actions by the  
 4 FSD?  
 5 MR LEUNG PING KAY: Right.  
 6 MR VICTOR DAWES: So the longer the suspension, the higher  
 7 the risks; is that correct?  
 8 MR LEUNG PING KAY: Yes.  
 9 MR VICTOR DAWES: So if the works weren't conducted by you  
 10 yourself, you just rely on Prestige, when you started,  
 11 you should have explored with Prestige, "The system  
 12 couldn't be shut down for a long time. I might be  
 13 affected as well." Did you think that?  
 14 MR LEUNG PING KAY: Yes.  
 15 MR VICTOR DAWES: You said that when the works in all eight  
 16 blocks needed to be conducted.  
 17 MR LEUNG PING KAY: They said a few blocks, when added up  
 18 together, one year. It would take one year.  
 19 MR VICTOR DAWES: I will refer you to a document. It's  
 20 H1-3/6033. 6034, go to the bottom of this page. You  
 21 will see water storage tank on the rooftop?  
 22 MR LEUNG PING KAY: Yes.  
 23 MR VICTOR DAWES: There's a paragraph below it. It sets out  
 24 the application for subsidy scheme. Prestige said that  
 25 it was -- we could start with the FS water tank first

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1 and then the flushing water tank and the drinking water  
 2 tank. You see that?  
 3 MR LEUNG PING KAY: Yes.  
 4 MR VICTOR DAWES: At that time, they would have to rent  
 5 the -- I mean they would have to borrow the FS water  
 6 tank.  
 7 This practice would have affected you in the sense  
 8 the system would have to be shut down. You agree?  
 9 MR LEUNG PING KAY: Of course.  
 10 MR VICTOR DAWES: You needed to work on the FS water tank  
 11 and then the drinking water tank, then the system would  
 12 have to be suspended for a longer time; right? No one  
 13 told you so? You didn't know?  
 14 MR LEUNG PING KAY: No.  
 15 MR VICTOR DAWES: Page 6077, item 12. Prestige said that  
 16 they would start with FS water tank works and the period  
 17 would last for one and a half months. This project  
 18 wouldn't affect the subsidy scheme before plastering.  
 19 The metal pipe would need to be placed. And Will Power  
 20 said that they didn't identify any issues with the metal  
 21 pipe. Nobody told you?  
 22 MR LEUNG PING KAY: I didn't know.  
 23 MR VICTOR DAWES: When you saw that needed to be suspended,  
 24 did you go to the management office? Well, you didn't  
 25 go to the management office. You didn't know anyone in

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1 the management office and you didn't know who you should  
 2 ask either; is that correct?  
 3 MR LEUNG PING KAY: Correct.  
 4 MR VICTOR DAWES: Bundle R1, the price quote, page 1. Just  
 5 now we went over this document. Item 2, the shutdown  
 6 notice of the above block, the FSD mandates that each  
 7 time the system can only be suspended for 14 days.  
 8 Therefore, every 14 days an application for extension  
 9 needs to be submitted to the FSD. Expected to suspend  
 10 for one year. And they already told you so; is that  
 11 correct?  
 12 MR LEUNG PING KAY: Yes.  
 13 MR VICTOR DAWES: The quantity, 8, unit cost, 6,500. The  
 14 total cost is 52,000. Per suspension, 100 suspensions,  
 15 I believe you charge different costs; is that correct?  
 16 MR LEUNG PING KAY: Well, 100 times, we would take it as one  
 17 block.  
 18 MR VICTOR DAWES: Based on your unit suspension, for once or  
 19 60 times, the cost is the same?  
 20 MR LEUNG PING KAY: Well, we didn't think about this.  
 21 MR VICTOR DAWES: For the unit cost it was for the  
 22 suspension of one year, because they told you that the  
 23 suspension will last for one year?  
 24 MR LEUNG PING KAY: No.  
 25 MR VICTOR DAWES: You are not telling me that you didn't

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1 think about how long the system needed to be suspended?  
 2 MR LEUNG PING KAY: Well, a few months.  
 3 MR VICTOR DAWES: I'd like to refer you to your second  
 4 witness statement, page 1875. Paragraph 48, page 1884.  
 5 In your second witness statement you tried to explain  
 6 your position and the reason for doing so. As you  
 7 remember, your first witness statement contains  
 8 responses to the questions raised by the Independent  
 9 Committee and you admitted frankly that you didn't go to  
 10 the site, you just did what you were told to do.  
 11 In the second statement you tried to offer  
 12 explanations. From paragraph 48 you tried to explain.  
 13 We saw that the company expected the suspension of  
 14 one year that is set out in the price quotation, and the  
 15 period isn't the period of extension.  
 16 MR LEUNG PING KAY: Right.  
 17 MR VICTOR DAWES: In paragraph 50, you said:  
 18 "The reference to '1 year' was for my own record and  
 19 general understanding. I did not expect nor intend that  
 20 any SDN would remain valid for one year."  
 21 I'd like to ask you a question. Suspending the  
 22 system for 14 days and suspending 30 times, your work  
 23 would be very different.  
 24 MR LEUNG PING KAY: We will have to make application for  
 25 extension.

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1 MR VICTOR DAWES: So it wouldn't make sense if you charge  
 2 the same for suspension for once or suspension for more  
 3 than once?  
 4 MR LEUNG PING KAY: That is our understanding.  
 5 MR VICTOR DAWES: I know what you mean by this is your  
 6 understanding right now, but from your position, when  
 7 a contractor approaches you saying that they want to  
 8 submit an SDN, the works will be completed within six  
 9 days. So they would only submit one SDN, then you would  
 10 quote a cost. But what if you need to apply for  
 11 16 times of suspension? You would have much more work.  
 12 MR LEUNG PING KAY: But they wouldn't tell me how much time  
 13 they would need to work on the water tank.  
 14 MR VICTOR DAWES: Well, you need to sign. When you sign  
 15 once or you sign 16 times, that is very different work.  
 16 Do you agree?  
 17 MR LEUNG PING KAY: Well, I assumed block by block.  
 18 I assume this was the method of calculation.  
 19 MR VICTOR DAWES: In paragraph 50:  
 20 "The reference to '1 year' was for my own record and  
 21 general understanding."  
 22 By "general understanding", what do you mean?  
 23 MR LEUNG PING KAY: From start to when, just one year, but  
 24 it would be conducted in phases.  
 25 MR VICTOR DAWES: R1, page 1. This is what you wrote,

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1 expecting to suspend it for one year. What did you have  
 2 to suspend? Was it the fire system?  
 3 MR LEUNG PING KAY: At that time, in March or April, they  
 4 would need to work on the project until March or April  
 5 next year. But we didn't submit SDN for all eight  
 6 blocks at the same time. We did so in phases.  
 7 MR VICTOR DAWES: They told you that the entire project  
 8 would last one year, not just the water tank; is that  
 9 correct?  
 10 MR LEUNG PING KAY: Well, the period of suspension, the  
 11 applications were made block by block, not at the same  
 12 time for all the blocks.  
 13 MR VICTOR DAWES: So for water tank projects for all blocks,  
 14 you expected the work to last one year, that's why you  
 15 wrote one year, hence your price quote; is that correct?  
 16 MR LEUNG PING KAY: That's what I was told.  
 17 MR VICTOR DAWES: That's what you were told?  
 18 MR LEUNG PING KAY: That's what they said.  
 19 MR VICTOR DAWES: So the quotation covers not 14 days. For  
 20 each block there would be more than one submission;  
 21 right?  
 22 MR LEUNG PING KAY: Right.  
 23 MR VICTOR DAWES: At the time of the quotation, you did not  
 24 know, nor did you explore, as to when block would see  
 25 the suspension and how long each suspension would be?

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1 MR LEUNG PING KAY: I did not think about that, but it was  
 2 said that it would not be at the same time and it would  
 3 be block by block. There was a wait over a number of  
 4 times when submissions were made.  
 5 MR VICTOR DAWES: Yes, we knew it was done over a few times.  
 6 Let's look at your witness statement paragraph 17. You  
 7 were frank when you told us this. I'm not going to read  
 8 it out. Please read it yourself.  
 9 Have you finished reading it?  
 10 MR LEUNG PING KAY: Yes.  
 11 MR VICTOR DAWES: So, as far as I understand, it's  
 12 a mechanical process. Every 14 days, if the work was  
 13 still ongoing, a submission would be made?  
 14 MR LEUNG PING KAY: If necessary. That was said verbally.  
 15 Yes, if the work hasn't been completed, there would be  
 16 submission.  
 17 MR VICTOR DAWES: If there were urge to complete the work,  
 18 what was still in progress, then the submission would  
 19 still be made.  
 20 In paragraph 18 you said very clearly, based on your  
 21 recollection, that submissions have been made in  
 22 relation to the eight blocks all the way to the day of  
 23 the fire. Do you remember how many SDNs have you  
 24 submitted?  
 25 MR LEUNG PING KAY: I did so for all eight blocks.

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1 MR VICTOR DAWES: How many of them are there, roughly? You  
 2 have signed many signatures.  
 3 MR LEUNG PING KAY: I can't recall.  
 4 MR VICTOR DAWES: You have submitted 85, covering the eight  
 5 blocks. I'm not going to take you through them one by  
 6 one.  
 7 Wang Yan, five times, from 4 September 2025 to the  
 8 day of the fire.  
 9 Wang Tao, nine times, 11 July to the day of the  
 10 fire.  
 11 Wang Sun, 10 times, from 4 July to the day of the  
 12 fire.  
 13 Wang Kin, 13 times, from 16 May to the day of the  
 14 fire.  
 15 Wang Tai, 16 times, from 7 April to the day of the  
 16 fire.  
 17 Wang Cheong, five times, 5 September to the day of  
 18 the fire.  
 19 Wang Shing, 11 times, 16 June to the day of the  
 20 fire.  
 21 Wang Chi, also 16 times, from 7 April to the day of  
 22 the fire.  
 23 THE HON MR JUSTICE DAVID LOK: How many times for  
 24 Wang Cheong?  
 25 MR VICTOR DAWES: Five times.

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1 THE HON MR JUSTICE DAVID LOK: Wang Shing?  
 2 MR VICTOR DAWES: 11 times.  
 3 There is another saying of yours, at paragraph 60 of  
 4 your second witness statement. You clearly said that:  
 5 "Before each renewal, I would communicate with  
 6 Mr Cheung to check whether the repair works had been  
 7 completed."  
 8 That means you have communicated with him for at  
 9 least 85 times because there were 85 submissions.  
 10 MR LEUNG PING KAY: Well, sometimes two were submitted.  
 11 MR VICTOR DAWES: Yes. Well, for the 85 times, they're all  
 12 done by calls. I did not see any time when you urged  
 13 him through WhatsApp records.  
 14 MR LEUNG PING KAY: By phone.  
 15 MR VICTOR DAWES: Why didn't you send him a message urging  
 16 him to speed things up?  
 17 MR LEUNG PING KAY: I did.  
 18 MR VICTOR DAWES: Once. Apologies. We will go to that  
 19 later.  
 20 Every time when you were told the work was still in  
 21 progress, submissions had to be made, you just urged him  
 22 to speed things up.  
 23 MR LEUNG PING KAY: I asked whether it was done.  
 24 MR VICTOR DAWES: Well, after a few times he would not tell  
 25 you anymore because you wouldn't have to do anything

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1 after you'd been told; right?  
 2 MR LEUNG PING KAY: Right.  
 3 MR VICTOR DAWES: Using Wang Kin House as an example, let's  
 4 look at the relevant WhatsApp record, bundle R1, page 8.  
 5 On 16 May, Daisy sent an SDN; right?  
 6 MR LEUNG PING KAY: Yes.  
 7 MR VICTOR DAWES: According to this record, Daisy, 16 May,  
 8 and then 12 June, and then 27 June, Daisy was actually  
 9 quite dutiful. She on her own initiative sent the SDN  
 10 to you.  
 11 MR LEUNG PING KAY: When it was submitted, it would be sent.  
 12 MR VICTOR DAWES: So she would just automatically make  
 13 a submission once every 14 days?  
 14 MR LEUNG PING KAY: Right.  
 15 MR VICTOR DAWES: So when she's on auto-pilot -- in the  
 16 record I have not seen anyone who said anything about it  
 17 in the record. You said that is the written record of  
 18 everyone.  
 19 MR LEUNG PING KAY: Let's focus on the record.  
 20 MR VICTOR DAWES: What I want to ask you is that, well,  
 21 "Mr Cheung, I've made the submission 15 times, so what's  
 22 actually going on?" Why did you not ask and chase him  
 23 here?  
 24 MR LEUNG PING KAY: In this group, it was the submission of  
 25 documents.

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1 MR VICTOR DAWES: To be fair to you, now let's look at  
 2 page 37. 4 September, also from Daisy, sending off SDNs  
 3 and relevant shutdown notices because there is a change  
 4 of dates. Daisy did all that: three SDNs and three  
 5 notices.  
 6 Page 39, this is what she said. Daisy says:  
 7 "The three blocks, the original date was October.  
 8 We need an extension, so the notices would go all the  
 9 way to September or January. I want to ask you, would  
 10 that be sufficient time?"  
 11 That's from Daisy; right?  
 12 MR LEUNG PING KAY: Right.  
 13 MR VICTOR DAWES: So she asked for several months.  
 14 MR LEUNG PING KAY: So that was for the preparation of the  
 15 notices.  
 16 MR VICTOR DAWES: Daisy was a clerk and what Daisy did was,  
 17 well, it seems that it would last for quite some time,  
 18 perhaps I would give you a batch of notices to -- so  
 19 that you would have enough time; right?  
 20 MR LEUNG PING KAY: That is, instead of doing it one by one,  
 21 it was done in one go as preparation.  
 22 MR VICTOR DAWES: It seems that that's the practice of your  
 23 company, doing the work by batches.  
 24 I asked you because it doesn't show any awareness  
 25 that preparation of a batch of SDNs or notices was

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1 anything appropriate.  
 2 MR LEUNG PING KAY: That was presentation of the notices.  
 3 MR VICTOR DAWES: For the intention that there would be  
 4 continuation of the suspension.  
 5 MR LEUNG PING KAY: We would be notified if the work had  
 6 completed.  
 7 MR VICTOR DAWES: Daisy talked to Mr Cheung, because it says  
 8 "Just spoke to you. Please do it in accordance with  
 9 this schedule. Thank you."  
 10 And Daisy sent a series of documents in relation to  
 11 Wang Tai, Wang Chi and Wang Kin, for three months from  
 12 31 October 2025 to 22 January 2026, that is in relation  
 13 to the shutdown notices. Your evidence is that every  
 14 time there was an extension, you would chase Mr Cheung.  
 15 MR LEUNG PING KAY: Yes.  
 16 MR VICTOR DAWES: Well, there weren't 85 times because for  
 17 some occasions there was several. So you have spoken to  
 18 Mr Cheung dozens of times?  
 19 MR LEUNG PING KAY: We have had telephone conversations.  
 20 MR VICTOR DAWES: There should be telephone records showing  
 21 about the dozens of phone calls.  
 22 MR LEUNG PING KAY: I can't recall.  
 23 MR VICTOR DAWES: We have looked at plenty of phone records  
 24 but you have not produced any phone records showing that  
 25 you have spoken to him dozens of times, that's why I ask

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<p>1 whether it's the truth.</p> <p>2 MR LEUNG PING KAY: I asked him. I chased him.</p> <p>3 MR VICTOR DAWES: Perhaps you did ask. You said -- Well,</p> <p>4 there has been many suspensions, but you did not make</p> <p>5 that enquiry every single time; do you agree?</p> <p>6 MR LEUNG PING KAY: I would.</p> <p>7 MR VICTOR DAWES: You agree or not? You said that you would</p> <p>8 chase him every single time. That is not true, that's</p> <p>9 for sure.</p> <p>10 MR LEUNG PING KAY: I have approached him. I did chase him.</p> <p>11 MR VICTOR DAWES: Let me now go to a different topic,</p> <p>12 something that we've touched on earlier. There is</p> <p>13 something that I don't really understand. SDN dated</p> <p>14 16 June 2025 is C1-2/1490. We saw that on 16 June the</p> <p>15 FSD received an SDN relating to Wang Shing House. Let's</p> <p>16 look at the top left to find the date. Right?</p> <p>17 MR LEUNG PING KAY: Yes.</p> <p>18 MR VICTOR DAWES: We have seen FS251 relating to Wang Shing</p> <p>19 House. Now let's look to page 1424. This is FS251.</p> <p>20 Can you see it? Is it, right?</p> <p>21 MR LEUNG PING KAY: Yes.</p> <p>22 MR VICTOR DAWES: Let's look at the bottom right. It's also</p> <p>23 16 June.</p> <p>24 MR LEUNG PING KAY: Right.</p> <p>25 MR VICTOR DAWES: If you look at the top left, I see that</p>	<p>1 MR VICTOR DAWES: Well, I need your help because if you</p> <p>2 refer to bundle B2/1697, it's the same document. Let's</p> <p>3 look at the bottom right. Can you see the date? Let's</p> <p>4 look at the top left. This is 3 October 2025. Can you</p> <p>5 see it?</p> <p>6 MR LEUNG PING KAY: Yes.</p> <p>7 MR VICTOR DAWES: Now let's turn to page 1699. Same</p> <p>8 document, 16 October. Now let's look at page 1701.</p> <p>9 30 October. And at page 1703, 13 November.</p> <p>10 Let's look at the bottom right. Also the one dated</p> <p>11 16 June. Now, look at the top left. Wang Shing House;</p> <p>12 right?</p> <p>13 MR LEUNG PING KAY: Yes.</p> <p>14 MR VICTOR DAWES: The document signed on 16 June, how come</p> <p>15 this very same document has been faxed to the FSD</p> <p>16 multiple times.</p> <p>17 MR LEUNG PING KAY: It was attached in the fax to FSD.</p> <p>18 MR VICTOR DAWES: That means it was signed in June and then</p> <p>19 every single time when there was an extension, this was</p> <p>20 faxed too?</p> <p>21 MR LEUNG PING KAY: That I think is the case.</p> <p>22 MR VICTOR DAWES: When was it signed? Was it in June? Do</p> <p>23 you know or not?</p> <p>24 MR LEUNG PING KAY: Yes, it was signed in June.</p> <p>25 MR VICTOR DAWES: It was signed in June.</p>
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<p>1 the date when the fax was received by the FSD on</p> <p>2 19 November 2025. Can you see that?</p> <p>3 MR LEUNG PING KAY: 19? I can't see whether it's a 3 or a</p> <p>4 9.</p> <p>5 MR VICTOR DAWES: 13 or 19, not much difference. It only</p> <p>6 proves that I have poor eyesight from age.</p> <p>7 The document was signed in June. It was faxed in</p> <p>8 November. Why?</p> <p>9 MR LEUNG PING KAY: It was attached during the extension and</p> <p>10 it was faxed again.</p> <p>11 MR VICTOR DAWES: From whom to whom?</p> <p>12 MR LEUNG PING KAY: I think it was received.</p> <p>13 MR VICTOR DAWES: Received by whom?</p> <p>14 MR LEUNG PING KAY: We received a fax.</p> <p>15 MR VICTOR DAWES: You would make a submission by fax to them</p> <p>16 first.</p> <p>17 MR LEUNG PING KAY: Right.</p> <p>18 MR VICTOR DAWES: And then it was faxed back to you?</p> <p>19 MR LEUNG PING KAY: Right.</p> <p>20 MR VICTOR DAWES: Let's look at the bottom right. This is a</p> <p>21 document signed by Alex; right?</p> <p>22 MR LEUNG PING KAY: Yes.</p> <p>23 MR VICTOR DAWES: 16 June, there was a fax. How many times</p> <p>24 was this same document being faxed?</p> <p>25 MR LEUNG PING KAY: By that you mean ...?</p>	<p>1 MR LEUNG PING KAY: Yes. The date of the fax should be the</p> <p>2 date when it was faxed back to us by the FSD.</p> <p>3 MR VICTOR DAWES: You mean this date?</p> <p>4 MR LEUNG PING KAY: The top left.</p> <p>5 MR VICTOR DAWES: Faxed to you from FSD? But the FSD would</p> <p>6 not fax the same document to you every single time;</p> <p>7 right?</p> <p>8 MR LEUNG PING KAY: We receive fax by computer, so you would</p> <p>9 not see the information on the top left.</p> <p>10 MR VICTOR DAWES: Well, you receive fax by computer.</p> <p>11 MR LEUNG PING KAY: But it would appear when the fax was</p> <p>12 sent by them.</p> <p>13 MR VICTOR DAWES: How come you say that it would not be</p> <p>14 there if you fax it over to them?</p> <p>15 MR LEUNG PING KAY: Fax by computer. I'm not clear.</p> <p>16 MR VICTOR DAWES: In relation to this document, did you fax</p> <p>17 it to the FSD multiple times?</p> <p>18 MR LEUNG PING KAY: Right.</p> <p>19 MR VICTOR DAWES: So you admit it. Never mind the time</p> <p>20 stamp. The same document being faxed over and over, and</p> <p>21 we have record that the document was faxed by you to the</p> <p>22 FSD multiple times. You agree?</p> <p>23 MR LEUNG PING KAY: Yes.</p> <p>24 MR VICTOR DAWES: Okay. If you agree, then I don't have to</p> <p>25 go through the documents one by one.</p>

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1 MR LEUNG PING KAY: Right.  
 2 MR VICTOR DAWES: Now let's move on to the date. The  
 3 earliest record faxed by you and the FSD was 3 October,  
 4 the document was signed in June. How come it was faxed  
 5 to the FSD in October?  
 6 MR LEUNG PING KAY: It was attached with the SDN for the  
 7 extension.  
 8 MR VICTOR DAWES: How come when the SDN was submitted in  
 9 June, why wasn't the FS251 sent? Why did it only appear  
 10 in October?  
 11 MR LEUNG PING KAY: I think that it was issued but the FSD  
 12 did not ask for it and then they called to ask for it so  
 13 it was faxed.  
 14 MR VICTOR DAWES: Is it the case that the FSD received the  
 15 SDN and after the multiple applications the FSD said,  
 16 "Please send us the FS251"; right?  
 17 MR LEUNG PING KAY: Yes.  
 18 MR VICTOR DAWES: You agree; right?  
 19 MR LEUNG PING KAY: Yes.  
 20 MR VICTOR DAWES: Now let's look at R1, page 48. In  
 21 a WhatsApp record, this is what was said. Also,  
 22 Mr Cheung -- you said to Mr Cheung of Prestige -- was it  
 23 you? Yes. To Mr Cheung of Prestige:  
 24 "The FSD requested that a certificate be added to  
 25 every one. In addition, please restore the system as

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1 soon as possible. We can't hold off the FSD for much  
 2 longer."  
 3 So the certificate refers to the FS251, because  
 4 there's only one; right?  
 5 MR LEUNG PING KAY: Right.  
 6 MR VICTOR DAWES: Before 3 October, it seems no one sent  
 7 FS251 in this group; right?  
 8 MR LEUNG PING KAY: No.  
 9 MR VICTOR DAWES: No one mentioned about the certificate,  
 10 right?  
 11 MR LEUNG PING KAY: Right.  
 12 MR VICTOR DAWES: Because there was a request for  
 13 a certificate, so in October you faxed -- you sent the  
 14 FS251?  
 15 MR LEUNG PING KAY: Yes, it was faxed.  
 16 MR VICTOR DAWES: And it is because of this reason, that's  
 17 why an FS251 was signed?  
 18 MR LEUNG PING KAY: It was signed in June.  
 19 MR VICTOR DAWES: But it was not faxed in June?  
 20 MR LEUNG PING KAY: No.  
 21 MR VICTOR DAWES: You mean it was signed in June but when  
 22 there was a request in October, it was faxed then?  
 23 MR LEUNG PING KAY: Yes.  
 24 MR VICTOR DAWES: Why?  
 25 MR LEUNG PING KAY: Because it says if there is one, so not

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1 necessarily that we would submit it and usually it will  
 2 be submitted at the time of completion.  
 3 MR VICTOR DAWES: If I understand you correctly, you mean  
 4 you didn't know how long it would take so you prepared  
 5 the document in advance. If the work lasted for a very  
 6 long time and the FSD asked for it, then it would be  
 7 sent to them to just shut them up.  
 8 MR LEUNG PING KAY: There was no request.  
 9 MR VICTOR DAWES: So if there was no request, you would not  
 10 do anything unnecessary?  
 11 MR LEUNG PING KAY: Mmm.  
 12 MR VICTOR DAWES: But if there was a request then you would  
 13 take out the document prepared in June; right?  
 14 MR LEUNG PING KAY: It was given to them.  
 15 MR VICTOR DAWES: In the message it says, "We can't hold off  
 16 the FSD for much longer." It's because the FSD urged  
 17 you; right?  
 18 MR LEUNG PING KAY: Well, we were called and questions were  
 19 asked.  
 20 MR VICTOR DAWES: You have been in the job for over  
 21 10 years. More than that, actually, because you were  
 22 involved in FSLs in other companies, so a very long  
 23 time.  
 24 MR LEUNG PING KAY: Right.  
 25 MR VICTOR DAWES: A submission every 14 days in relation to

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1 a project, well, were it not for the fact multiple  
 2 applications had been made, the FSD would not have  
 3 called you; right?  
 4 MR LEUNG PING KAY: Perhaps a call would be made in a month  
 5 or two.  
 6 MR VICTOR DAWES: So if it's just submission extension once  
 7 or twice.  
 8 MR LEUNG PING KAY: Well, if it's multiple times then a call  
 9 would be made.  
 10 MR VICTOR DAWES: Because they thought it was problematic.  
 11 MR LEUNG PING KAY: Well, in some cases.  
 12 MR VICTOR DAWES: So if you have actually looked into how  
 13 long the work would last, if you deal with this  
 14 seriously, then this message wouldn't have been sent; am  
 15 I right?  
 16 MR LEUNG PING KAY: Agreed, yes.  
 17 MR VICTOR DAWES: In other words, when you sent this  
 18 message, you knew that you have breached fire services  
 19 requirements, but you blindfolded yourselves. If you  
 20 are urged, you just sent this signed document. Am I  
 21 fair in saying that?  
 22 MR LEUNG PING KAY: Yes.  
 23 MR VICTOR DAWES: Chairman, this is the time.  
 24 THE HON MR JUSTICE DAVID LOK: Let's break for 10 minutes.  
 25 (3.21 pm)

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<p>1 (A short adjournment)</p> <p>2 (3.31 pm)</p> <p>3 THE HON MR JUSTICE DAVID LOK: Please continue.</p> <p>4 MR VICTOR DAWES: Mr Leung, I know that it's difficult for</p> <p>5 you to come and recount what happened. I hope that you</p> <p>6 will finish your testimony today so that you will not</p> <p>7 have to come back tomorrow to be examined again. Please</p> <p>8 understand that I have to put these questions to you due</p> <p>9 to my obligations.</p> <p>10 We've looked at FS251, page C1-2/1424. The reason</p> <p>11 why we have this form is because you couldn't hold off</p> <p>12 FSD for much longer. That's why you faxed this to the</p> <p>13 FSD. How come the FSD would be satisfied after you</p> <p>14 faxed this to them?</p> <p>15 MR LEUNG PING KAY: They asked for it.</p> <p>16 MR VICTOR DAWES: What you meant is that FSD asked you to</p> <p>17 submit this to them; right?</p> <p>18 MR LEUNG PING KAY: Yes.</p> <p>19 MR VICTOR DAWES: You said that they asked for it, so FSD</p> <p>20 asked you for it?</p> <p>21 MR LEUNG PING KAY: There were similar practice in the past.</p> <p>22 MR VICTOR DAWES: So, according to your understanding, if</p> <p>23 the suspension has been extended for too long, then FSD</p> <p>24 would ask you for the FS251. Is this the case, yes or</p> <p>25 no? In other words -- well, let me put the question</p>	<p>1 MR VICTOR DAWES: I saw that you faxed it many times to</p> <p>2 them. Did they ask you for the same thing every time?</p> <p>3 MR LEUNG PING KAY: We just attached it to the set of</p> <p>4 document.</p> <p>5 MR VICTOR DAWES: So by attaching it to the set of document</p> <p>6 you will be able to hold them off?</p> <p>7 MR LEUNG PING KAY: That's not what it means.</p> <p>8 MR VICTOR DAWES: What does it mean?</p> <p>9 Let's look at your WhatsApp conversation.</p> <p>10 MR LEUNG PING KAY: You're referring to my WhatsApp message?</p> <p>11 It means otherwise they will be calling us many times.</p> <p>12 MR VICTOR DAWES: You said you couldn't hold off FSD much</p> <p>13 longer. In other words, it would be better for you to</p> <p>14 attach this to the application if they ask for it.</p> <p>15 MR LEUNG PING KAY: They wanted it.</p> <p>16 MR VICTOR DAWES: So my question was why you think that by</p> <p>17 attaching the same document you will be able to hold off</p> <p>18 FSD? Can you explain that?</p> <p>19 MR LEUNG PING KAY: They needed to see it.</p> <p>20 MR VICTOR DAWES: Let's not go into whether this act is in</p> <p>21 breach of the requirements in the circular letter</p> <p>22 because just now you admitted frankly that you did not</p> <p>23 exercise your discipline at looking at whether your act</p> <p>24 was in breach of the requirements in the circular</p> <p>25 letter. You agree?</p>
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<p>1 more clearly.</p> <p>2 Did the FSD ask you to submit this to them or did</p> <p>3 you do it on your own initiative?</p> <p>4 MR LEUNG PING KAY: We sent it to them on our own</p> <p>5 initiative, but it's possible that they asked us for it.</p> <p>6 MR VICTOR DAWES: So in other words, you would prepare for</p> <p>7 it in advance because it's likely that they will ask you</p> <p>8 for it?</p> <p>9 MR LEUNG PING KAY: Because when there is damage to the hose</p> <p>10 reel, then we have to prepare it in advance.</p> <p>11 MR VICTOR DAWES: I know that you've prepared this in</p> <p>12 advance in June. When the FSD urged you, you said that</p> <p>13 you've sent it to them to hold.</p> <p>14 MR LEUNG PING KAY: Yes.</p> <p>15 MR VICTOR DAWES: Did they ask you for it or did you send</p> <p>16 this to them on your own initiative?</p> <p>17 MR LEUNG PING KAY: They requested us so we needed to have</p> <p>18 it ready.</p> <p>19 MR VICTOR DAWES: Because by then you would be able to hold</p> <p>20 on longer. So, in other words, after you forwarded and</p> <p>21 you sent it to them, because you think that you will be</p> <p>22 able to extend it longer, how come by faxing this many</p> <p>23 times you will be able to hold them off?</p> <p>24 MR LEUNG PING KAY: It doesn't mean what you said. Because</p> <p>25 they asked for it.</p>	<p>1 MR LEUNG PING KAY: Yes.</p> <p>2 MR VICTOR DAWES: If you refer to the circular letter, you</p> <p>3 understand fully that you breached all of your</p> <p>4 obligations that I've shown you. Agreed?</p> <p>5 MR LEUNG PING KAY: Yes.</p> <p>6 MR VICTOR DAWES: Under such circumstances, as a licensed</p> <p>7 contractor, you would know that there was a set of</p> <p>8 mechanism under FSD. You need to obtain licences, you</p> <p>9 may be subject to disciplinary hearing. We need</p> <p>10 a qualified person to oversee relevant works. So to</p> <p>11 a great extent FSD relied on your own discipline; right?</p> <p>12 MR LEUNG PING KAY: Yes.</p> <p>13 MR VICTOR DAWES: And what you did was an abuse of the</p> <p>14 confidence that the FSD had in you. Would you agree</p> <p>15 with that?</p> <p>16 MR LEUNG PING KAY: Yes.</p> <p>17 MR VICTOR DAWES: Right. In your second witness statement,</p> <p>18 paragraph 19, page 1878, I'd like to go into your</p> <p>19 explanation. When you submitted this witness statement</p> <p>20 last week you wanted to explain why you did what you</p> <p>21 did. The first witness statement was not sufficient in</p> <p>22 that.</p> <p>23 In paragraph 19 -- well, let's go into paragraph 18</p> <p>24 first:</p> <p>25 "18. One of my key responsibilities is to apply for</p>

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<p>1 SDNs.</p> <p>2 19. I only do so in two situations. First, after</p> <p>3 I or my staff have inspected the site ..."</p> <p>4 That is, you would have inspected the site?</p> <p>5 MR LEUNG PING KAY: Mmm.</p> <p>6 MR VICTOR DAWES: Second, you, as a registered FSI</p> <p>7 contractor, help another company in doing that, and that</p> <p>8 company itself is also a registered FSI contractor; is</p> <p>9 that right?</p> <p>10 MR LEUNG PING KAY: Yes.</p> <p>11 MR VICTOR DAWES: The second situation is that you would</p> <p>12 submit applications on behalf of them, and when that</p> <p>13 happened, you wouldn't have to personally inspect the</p> <p>14 site.</p> <p>15 MR LEUNG PING KAY: Well, yes, because they are the</p> <p>16 registered FSI contractor themselves.</p> <p>17 MR VICTOR DAWES: Well, because they are also a registered</p> <p>18 FSI contractor, you wouldn't have to inspect it in</p> <p>19 person yourself?</p> <p>20 MR LEUNG PING KAY: Right.</p> <p>21 MR VICTOR DAWES: We've looked at the circular letter</p> <p>22 1/2021. It seems that the law says otherwise. We need</p> <p>23 the registered contractors of the renovation works to</p> <p>24 submit the SDN. First, after reading the circular</p> <p>25 letter, would you agree with what I said? Let's ignore</p>	<p>1 Right? You think that this is a reasonable</p> <p>2 arrangement.</p> <p>3 Second:</p> <p>4 "The actual works are still carried out by</p> <p>5 an RFSIC ..."</p> <p>6 Right?</p> <p>7 MR LEUNG PING KAY: Yes.</p> <p>8 MR VICTOR DAWES: According to your reply, you don't know if</p> <p>9 the works was carried out by an RFSIC or someone else.</p> <p>10 Would you agree with that?</p> <p>11 MR LEUNG PING KAY: Water tank --</p> <p>12 MR VICTOR DAWES: Just now you said that you don't know if</p> <p>13 the works was outsourced. You said here that "The</p> <p>14 actual works are still carried out by an RFSIC". That's</p> <p>15 not true in this case; right?</p> <p>16 MR LEUNG PING KAY: We are not the one to work on the water</p> <p>17 tank. The class 2 licensee is to do it.</p> <p>18 MR VICTOR DAWES: One last time. You do not have to say</p> <p>19 that it wasn't done by you. All of us know.</p> <p>20 You said "The actual works are still carried out by</p> <p>21 an RFSIC". That means, based on your understanding,</p> <p>22 this is a safe approach as the works are carried out by</p> <p>23 a registered fire service installation contractor. But</p> <p>24 just now, as I said, you didn't know whether it was</p> <p>25 conducted by Prestige. Probably it was sub-contracted.</p>
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<p>1 the trade practice; let's just look at the circular</p> <p>2 letter. Would you agree that the registered contractor</p> <p>3 of the renovation works is the one to submit the SDN?</p> <p>4 MR LEUNG PING KAY: If I'm the one to work on that then I</p> <p>5 would be, but I'm not responsible for the water tank.</p> <p>6 MR VICTOR DAWES: So, according to your understanding, you</p> <p>7 are helping the other registered FSI contractor to</p> <p>8 submit documents, and this is appropriate, in your view,</p> <p>9 and this is safe?</p> <p>10 MR LEUNG PING KAY: Because I'm not the one to work on the</p> <p>11 water tanks, we are not the one to repair it.</p> <p>12 MR VICTOR DAWES: Do you know that Prestige was the one to</p> <p>13 repair the water tank or was it outsourced to some other</p> <p>14 sub-contractors? Have you ever asked?</p> <p>15 MR LEUNG PING KAY: I only know that they have their staff</p> <p>16 do it. I'm not sure if they outsource it to any</p> <p>17 sub-contractor or they have their own workers to do it.</p> <p>18 MR VICTOR DAWES: You don't know who did it, but all you</p> <p>19 know is that your company was not the one to work on the</p> <p>20 water tank. Let's look at paragraph 27.</p> <p>21 MR LEUNG PING KAY: Yes.</p> <p>22 MR VICTOR DAWES: You said that you submit documents on</p> <p>23 behalf of someone else and you think that this practice</p> <p>24 is lawful because, one:</p> <p>25 "This is a sensible and reasonable arrangement ..."</p>	<p>1 MR LEUNG PING KAY: Well, like me, I would employ workers to</p> <p>2 do it.</p> <p>3 MR VICTOR DAWES: Of course. The company itself wouldn't</p> <p>4 know how to do it. The company would have to engage</p> <p>5 workers. You just now agreed that you didn't know which</p> <p>6 company. You only knew that Prestige was that company.</p> <p>7 MR LEUNG PING KAY: Right.</p> <p>8 MR VICTOR DAWES: I'm not making it difficult for you, but</p> <p>9 if you hear me out, if you listen to my questions</p> <p>10 carefully, then it will be faster.</p> <p>11 MR LEUNG PING KAY: Sorry.</p> <p>12 MR VICTOR DAWES: It's all right. Let's continue.</p> <p>13 "(e) no safety risk arises merely because</p> <p>14 administrative work is handled by another RFSIC ..."</p> <p>15 Basically this means there is no safety risk, as you</p> <p>16 were only responsible for administrative work.</p> <p>17 And then (d):</p> <p>18 "This practice is not implemented to bypass any FSD</p> <p>19 requirements."</p> <p>20 These are your explanations; right?</p> <p>21 MR LEUNG PING KAY: Mmm.</p> <p>22 MR VICTOR DAWES: You helped others to submit documents.</p> <p>23 You just did what another company told you to do. Is it</p> <p>24 common in your trade, or just your company?</p> <p>25 MR LEUNG PING KAY: I believe -- yes, when it comes to FS</p>

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1 water tank.  
 2 MR VICTOR DAWES: Do you mean for FS water tank, asking  
 3 another contractor to submit SDN, this is a common  
 4 practice?  
 5 MR LEUNG PING KAY: Yes.  
 6 THE HON MR JUSTICE DAVID LOK: On what basis do you say so?  
 7 Why would you say that this is a common practice?  
 8 MR LEUNG PING KAY: For construction contractors, they may  
 9 not necessarily have a licence, so they would need to  
 10 seek help from others to submit a document, because  
 11 a construction contractor doesn't have a fire service  
 12 installation licence.  
 13 MR VICTOR DAWES: From what you said, when it comes to water  
 14 tanks, there are specific contractors, such as water  
 15 tank works and so on.  
 16 MR LEUNG PING KAY: Right.  
 17 MR VICTOR DAWES: So they may not be an RFSIC.  
 18 MR LEUNG PING KAY: Right.  
 19 MR VICTOR DAWES: So in this case, based on your  
 20 understanding, you said Prestige is an RFSIC. You knew  
 21 that they had asked someone else to do so, but you had  
 22 never asked -- done by which -- done by which one? Did  
 23 they have a licence, you never asked. Do you agree?  
 24 MR LEUNG PING KAY: Agree.  
 25 MR VICTOR DAWES: What you're saying is that as Prestige

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1 holds a licence, so whoever Prestige asks to do these  
 2 works, you didn't consider it; is that true?  
 3 MR LEUNG PING KAY: Yes. Yes.  
 4 MR VICTOR DAWES: Or put it this way. If they had told you  
 5 which company did the works, you could have checked  
 6 online to see if that company is an RFSIC as this  
 7 information is available online.  
 8 MR LEUNG PING KAY: Well, I believe no registered contractor  
 9 would conduct these works.  
 10 MR VICTOR DAWES: Indeed. No registered contractor would  
 11 repair water tanks. So you know the one repairing the  
 12 water tanks would definitely not be the RFSIC; right?  
 13 Just based on your understanding, an RFSIC asked another  
 14 company to do the work, so you thought that you didn't  
 15 have to consider it or do anything about it.  
 16 MR LEUNG PING KAY: Mmm.  
 17 MR VICTOR DAWES: I'd like to explore another area.  
 18 Paragraph 36 of your second witness statement. You said  
 19 that you came to meet Gordon for a long time, you came  
 20 to meet Gordon in 2017.  
 21 MR LEUNG PING KAY: Right.  
 22 MR VICTOR DAWES: All along, you believed Prestige is an  
 23 RFSIC?  
 24 In paragraph 39, there are bold and underlined  
 25 English words:

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1 "I had always understood and believed that ...  
 2 Prestige Construction & Engineering was an RFSIC."  
 3 You attended tender interviews together with him.  
 4 So during the interviews you heard him saying so to  
 5 others.  
 6 MR LEUNG PING KAY: Right.  
 7 MR VICTOR DAWES: Did you yourself check whether they were?  
 8 MR LEUNG PING KAY: Yes, I did check online.  
 9 MR VICTOR DAWES: When?  
 10 MR LEUNG PING KAY: A few years ago, several years ago.  
 11 MR VICTOR DAWES: When they asked you to do these works, did  
 12 they ask whether they were still an RFSIC?  
 13 MR LEUNG PING KAY: I did check.  
 14 MR VICTOR DAWES: Did you check?  
 15 MR LEUNG PING KAY: They were.  
 16 MR VICTOR DAWES: I mean when you undertook the works, were  
 17 they still an RFSIC?  
 18 MR LEUNG PING KAY: Yes.  
 19 MR VICTOR DAWES: So can you tell me -- well, in fact, as we  
 20 all know, it isn't.  
 21 MR LEUNG PING KAY: Victory Fire --  
 22 MR VICTOR DAWES: That is another company. Did you explore  
 23 the relations between this company and Prestige  
 24 Construction & Engineering?  
 25 MR LEUNG PING KAY: Well, I know the boss was the QP,

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1 Mr Hau.  
 2 MR VICTOR DAWES: You knew that Mr Hau had another company  
 3 which is an RFSIC, so you thought it would be okay?  
 4 Then have you thought that they could have asked  
 5 that contractor to undertake the works and why did they  
 6 still have to ask you to do so?  
 7 MR LEUNG PING KAY: Well, for documents.  
 8 MR VICTOR DAWES: Did they tell you so?  
 9 MR LEUNG PING KAY: For renewal, we needed to follow the  
 10 timeline so no one else did so.  
 11 MR VICTOR DAWES: Well, they had undertaken the renovation  
 12 project of \$300 million. Was that your attitude:  
 13 someone asked you to undertake such works so you simply  
 14 undertook it?  
 15 MR LEUNG PING KAY: No.  
 16 MR VICTOR DAWES: So you generally believed Prestige had no  
 17 capacity to do so? Prestige is an RFSIC, but then  
 18 they didn't have the capability to do so?  
 19 THE HON MR JUSTICE DAVID LOK: I'd like to ask, even if  
 20 Prestige was an RFSIC, when there were any accidents,  
 21 you would still be held accountable; is that correct?  
 22 Well, someone switched off the main switch, that is it  
 23 is their mistake, but then you filed the SDN, then  
 24 you should be held accountable. Do you agree?  
 25 MR LEUNG PING KAY: Yes.

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1 THE HON MR JUSTICE DAVID LOK: Mr Dawes.  
 2 MR VICTOR DAWES: In your second witness statement  
 3 paragraph 28, you said this practice, that is submitting  
 4 documents for another company:  
 5 "... is recognised by the FSD. On the FSD's  
 6 website, there is a table setting out guidance as to  
 7 which class of RFSIC should be engaged for different  
 8 types of fire of [FS] systems, installations and  
 9 equipment ..."  
 10 Right?  
 11 MR LEUNG PING KAY: Yes.  
 12 MR VICTOR DAWES: Before you undertook the job, did you know  
 13 there was this table?  
 14 MR LEUNG PING KAY: This table has all along been there.  
 15 MR VICTOR DAWES: Let us take a look at the table, R3/1035.  
 16 At the top left corner, "Applying to become an FS  
 17 installation contractor". FS installation contractor,  
 18 three classes, classes 1, 2 and 3, and you are classes 1  
 19 and 2.  
 20 MR LEUNG PING KAY: Yes.  
 21 MR VICTOR DAWES: Let us go to the last subject, the water  
 22 supply tank. Up there, water supply tank.  
 23 MR LEUNG PING KAY: Yes.  
 24 MR VICTOR DAWES: And we can see no ticks for classes 1, 2  
 25 and 3. Right?

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1 MR LEUNG PING KAY: Yes.  
 2 MR VICTOR DAWES: "According to the minimum fire service  
 3 installation and equipment code, the following  
 4 information is set out for contractor's reference."  
 5 So this practice of submitting documents for another  
 6 company is accepted by the FSD; is that what you mean?  
 7 MR LEUNG PING KAY: No. I mean the one who did this.  
 8 Classes 1 and 2.  
 9 MR VICTOR DAWES: I don't quite understand what you mean.  
 10 MR LEUNG PING KAY: It didn't set out when you have classes  
 11 1 and 2 what you cannot do. Well, according to the  
 12 information, when you have classes 1 and 2, what you can  
 13 do.  
 14 MR VICTOR DAWES: In other words, when one doesn't have  
 15 class 1, 2, 3, one can still work on water tank supply  
 16 works.  
 17 MR LEUNG PING KAY: Mmm.  
 18 MR VICTOR DAWES: Well, if someone is held accountable to  
 19 safety issues, it should be the one responsible for it  
 20 that should submit the SDN.  
 21 MR LEUNG PING KAY: Right.  
 22 MR VICTOR DAWES: You weren't the one that undertook the  
 23 works and you didn't take a look at the table either.  
 24 Why would you think that this practice was recognised by  
 25 the FSD?

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1 MR LEUNG PING KAY: It didn't specify which, but we have  
 2 a system for our works.  
 3 MR VICTOR DAWES: The water tank is actually part of the  
 4 fire system?  
 5 MR LEUNG PING KAY: Yes.  
 6 MR VICTOR DAWES: The suspension of the system, according to  
 7 you, requires the suspension of the system?  
 8 MR LEUNG PING KAY: Yes.  
 9 MR VICTOR DAWES: And this needs to be done by a registered  
 10 contractor?  
 11 MR LEUNG PING KAY: Yes.  
 12 MR VICTOR DAWES: So not suspended by you, not repaired by  
 13 you, but only you are the one who submitted the shutdown  
 14 notice. Do you think this is reasonable?  
 15 MR LEUNG PING KAY: Yes.  
 16 MR VICTOR DAWES: In your second witness statement, Prestige  
 17 has another company, the same boss, and that company is  
 18 a registered contractor, so you think you could take  
 19 this job?  
 20 MR LEUNG PING KAY: Yes.  
 21 MR VICTOR DAWES: Is this what you think right now, or your  
 22 thought at that time?  
 23 MR LEUNG PING KAY: All along --  
 24 MR VICTOR DAWES: Your thought at the time.  
 25 MR LEUNG PING KAY: Yes.

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1 MR VICTOR DAWES: You didn't ask Prestige: "You have another  
 2 contractor, you could ask them to do so"?  
 3 MR LEUNG PING KAY: Well, I didn't ask. They had no  
 4 manpower.  
 5 MR VICTOR DAWES: So when you undertook the job, you said  
 6 you searched online and the other company had a licence,  
 7 so you thought it would be okay?  
 8 MR LEUNG PING KAY: They had no manpower.  
 9 MR VICTOR DAWES: The reason I asked you -- because we only  
 10 came to know this last week, you only told us last week.  
 11 MR LEUNG PING KAY: Yes, this document.  
 12 MR VICTOR DAWES: Yes, without this document, we wouldn't  
 13 know.  
 14 MR LEUNG PING KAY: Mmm.  
 15 MR VICTOR DAWES: In your first witness statement  
 16 paragraph 22, page 1513, you said:  
 17 "When I was initially approached by PC&E, I presumed  
 18 PC&E would have already engaged other FSI contractor for  
 19 the Wang Fuk Court renovation, no explanation was  
 20 provided by PC&E as to why status had to be engaged to  
 21 make these FSD applications. However, I did not give  
 22 much thought as to why services from a second FSI  
 23 contractor ... would be required, nor did I speculate on  
 24 this."  
 25 This is written by you; is that correct?

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1 MR LEUNG PING KAY: Yes.  
 2 MR VICTOR DAWES: You believe Prestige had engaged another  
 3 contractor to conduct the works, so you believe another  
 4 contractor would be engaged to deal with these matters;  
 5 right?  
 6 MR LEUNG PING KAY: Mmm.  
 7 MR VICTOR DAWES: In other words, when I asked you the first  
 8 time, you weren't saying because another company had a  
 9 licence it was okay. At that time, you didn't say so.  
 10 You just presume they would engage someone else to do  
 11 so. If the version you told us last week was true, why  
 12 didn't you tell us the first time we asked you?  
 13 Now I give you an opportunity to explain. Can you  
 14 explain?  
 15 MR LEUNG PING KAY: At that time I didn't really know  
 16 whether they could seek manpower.  
 17 MR VICTOR DAWES: Page 1513, you were being very frank:  
 18 "I did not give much thought as to why services from  
 19 a second FSI contractor would be required."  
 20 You said you didn't think why services from a second  
 21 contractor would be required. Is that true?  
 22 MR LEUNG PING KAY: Yes.  
 23 MR VICTOR DAWES: Anyway, in the interest of time, I'd like  
 24 to move on to another area. Your second witness  
 25 statement, paragraph 83, page 1889. In paragraph 82 you

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1 said:  
 2 "From time to time, the FSD would contact me  
 3 directly to enquire about the progress of the works."  
 4 The FSD called you directly to look for you because  
 5 the documents were sent by you?  
 6 MR LEUNG PING KAY: Yes.  
 7 MR VICTOR DAWES: Paragraph 83:  
 8 "One such instance ... in or around September 2025,  
 9 as recorded in bundle B2 ... which is a document  
 10 produced by the FSD indicating that they contacted me to  
 11 enquire about the progress."  
 12 So they looked for you; right?  
 13 MR LEUNG PING KAY: Yes.  
 14 MR VICTOR DAWES: When they made a call to you to urge you  
 15 for the documents, if from your understanding you were  
 16 just responsible for submitting the documents and the  
 17 works would be conducted by another contractor, did you  
 18 tell the FSD, "Well, we were just submitting the  
 19 documents, the works would actually be conducted by  
 20 another contractor"?  
 21 MR LEUNG PING KAY: No.  
 22 MR VICTOR DAWES: Why didn't you tell them so? Is it  
 23 because you knew that the responsibility rested on you?  
 24 MR LEUNG PING KAY: Because I submitted --  
 25 MR VICTOR DAWES: Well, yes, you knew that the

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1 responsibility rested on you. The FSD needed to hold  
 2 someone to account and they would look for you. And the  
 3 registered FSIC was actually invisible. They wouldn't  
 4 allow this. Do you agree?  
 5 MR LEUNG PING KAY: Agree.  
 6 MR VICTOR DAWES: I'd like to explore another issue with  
 7 you. Any shutting down of the fire system must be  
 8 conducted or handled by a registered contractor. In  
 9 paragraph 36 you said:  
 10 "... it was a legal requirement that these systems  
 11 had to be shut down personally by a registered FSI  
 12 contractor ..."  
 13 You said "personally".  
 14 "... or under the supervision of a registered FSI  
 15 contractor."  
 16 So either you or the people under your supervision;  
 17 is that correct?  
 18 MR LEUNG PING KAY: Yes.  
 19 MR VICTOR DAWES: I don't have to show you. You knew that  
 20 this was section 7 of a regulation.  
 21 MR LEUNG PING KAY: Yes.  
 22 MR VICTOR DAWES: The lever switch of Wang Fuk Court wasn't  
 23 shut down by you?  
 24 MR LEUNG PING KAY: No.  
 25 MR VICTOR DAWES: Before the fire, did you ask Prestige the

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1 statutory requirement was that it was to be shut down by  
 2 the registered contractor? If you needed to shut down  
 3 the system, you should ask someone to shut down the  
 4 lever switch. This is the statutory requirement. Did  
 5 you tell them so?  
 6 MR LEUNG PING KAY: Someone will follow up on it. Someone  
 7 would handle this.  
 8 MR VICTOR DAWES: The legal requirement was that it was to  
 9 be handled by registered contractor. Did you ask who?  
 10 MR LEUNG PING KAY: No.  
 11 MR VICTOR DAWES: In fact, you didn't give any thought as to  
 12 which one was to be responsible for it.  
 13 MR LEUNG PING KAY: I didn't ask.  
 14 MR VICTOR DAWES: Why didn't you ask?  
 15 Let me ask you, did you ask, "The system must be  
 16 switched off. Which system? Which switch?" Did you  
 17 ask or not?  
 18 MR LEUNG PING KAY: No, I did not ask.  
 19 MR VICTOR DAWES: You did not.  
 20 In your second witness statement paragraph 54.  
 21 Let's look at paragraph 53 first to be fair to you. It  
 22 refers to a site visit. You said that in April 2025 you  
 23 delivered some fire extinguishers over.  
 24 MR LEUNG PING KAY: Yes.  
 25 MR VICTOR DAWES: Mr Cheung informed you that it would not

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1 be necessary to attend the site; right?  
 2 MR LEUNG PING KAY: Right.  
 3 MR VICTOR DAWES: And then you said:  
 4 "... and the building management of Wang Fuk Court  
 5 had indicated that they would carry out those works by  
 6 themselves."  
 7 Right? What do you mean by "those works"?  
 8 MR LEUNG PING KAY: They made the arrangements themselves.  
 9 MR VICTOR DAWES: The management of Wang Fuk Court, the  
 10 management company; right? To arrange to do what?  
 11 MR LEUNG PING KAY: To suspend certain things.  
 12 MR VICTOR DAWES: That's why in paragraph 54 you said you  
 13 were:  
 14 "... given the impression, from my conversations  
 15 with Mr Cheung, that he or others responsible had  
 16 inspected the FS Water Tanks, and would ensure that  
 17 the ... system was properly shut down."  
 18 Right? My question -- leave your impression aside.  
 19 As to who switched off the system, who did -- did anyone  
 20 tell you who was the one to switch off the system?  
 21 MR LEUNG PING KAY: No.  
 22 MR VICTOR DAWES: In your first witness statement  
 23 paragraph 37, it says, page 1515, you made it very  
 24 clear.  
 25 "My colleagues did not personally attend the

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1 shutting down."  
 2 You explain very clearly why you did not do it. You  
 3 said Mr Cheung informed you that:  
 4 "... at the commencement of the project, Wang Fuk  
 5 Court's building management, that is the management  
 6 company, would handle the physical shutting down of the  
 7 FH/HR Systems and that in any event building management  
 8 would not allow others ... inside their premises ..."  
 9 Here you said that he told you who it was done by  
 10 and why. Why 10 minutes ago you said no one told you?  
 11 MR LEUNG PING KAY: They said they would make the  
 12 arrangements.  
 13 MR VICTOR DAWES: They would make the arrangements. It  
 14 doesn't mean that they told you that the management  
 15 would do it. Which is true?  
 16 MR LEUNG PING KAY: At the time they said that the  
 17 management company would make the arrangements.  
 18 MR VICTOR DAWES: So he did tell you?  
 19 MR LEUNG PING KAY: He said someone would follow up, so  
 20 I gathered that it was the management company, someone.  
 21 MR VICTOR DAWES: Well, let's separate what you were told  
 22 and what you thought.  
 23 MR LEUNG PING KAY: Yes.  
 24 MR VICTOR DAWES: Who did he say was to do it?  
 25 MR LEUNG PING KAY: He said someone would make the

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1 arrangement. That's it. There was a mention that the  
 2 management would not allow them inside the premises  
 3 because no outsiders would be allowed. We were not the  
 4 ones wearing the uniform.  
 5 MR VICTOR DAWES: Do you find that preposterous?  
 6 MR LEUNG PING KAY: That means?  
 7 MR VICTOR DAWES: You were the registered FSI contractor of  
 8 Wang Fuk Court. If you said, "I want to switch off the  
 9 systems because that's my statutory duty", and someone  
 10 told you that you would not be allowed inside the  
 11 premises, wouldn't you find that saying preposterous?  
 12 Do you agree?  
 13 MR LEUNG PING KAY: I don't know how to answer you.  
 14 MR VICTOR DAWES: Then can you tell us one more time, did  
 15 anyone actually tell you someone would make  
 16 arrangements, "The management office would not allow us  
 17 access"? Did someone actually tell you that?  
 18 MR LEUNG PING KAY: Yes.  
 19 MR VICTOR DAWES: If that was the case, as a registered FSI  
 20 contractor, to put it bluntly, you would lose your  
 21 temper or find that saying preposterous because, if not  
 22 you, who would be allowed access; right?  
 23 MR LEUNG PING KAY: They said they would make arrangements  
 24 themselves.  
 25 MR VICTOR DAWES: Having been told what you said you were

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1 told, did you say, "That would not be legal"?  
 2 MR LEUNG PING KAY: No, I did not say that much.  
 3 MR VICTOR DAWES: Before the fire, if I understand it  
 4 correctly, you did not go to Wang Fuk Court, not even  
 5 once? Whether it was to check FSI systems or switching  
 6 off the system, you or your colleagues did not go there;  
 7 right?  
 8 MR LEUNG PING KAY: Only to deliver fire extinguishers.  
 9 MR VICTOR DAWES: If you or your colleagues personally  
 10 visited the pump room once, just once, to check the  
 11 system, you would know that the lever was switched off.  
 12 Do you agree?  
 13 MR LEUNG PING KAY: Well, I can't be sure.  
 14 MR VICTOR DAWES: We're talking about a small system, just  
 15 a few switches. You are not actually telling me that if  
 16 you went there you would not see that the lever was  
 17 switched off?  
 18 MR LEUNG PING KAY: I would see that, I accept.  
 19 MR VICTOR DAWES: If you'd been there, you would see it;  
 20 right?  
 21 MR LEUNG PING KAY: Mmm.  
 22 MR VICTOR DAWES: In your second witness statement  
 23 paragraph 65, you said based on your knowledge, you said  
 24 that the maintenance of the FS water tank or the  
 25 shutting down of the relevant systems do not necessarily

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<p>1 involve the shutting down of the main system, that is</p> <p>2 the lever switch; right?</p> <p>3 MR LEUNG PING KAY: Right.</p> <p>4 MR VICTOR DAWES: You made it very clear, "nor was it</p> <p>5 necessary to shut down the entire fire service system".</p> <p>6 MR LEUNG PING KAY: Mmm.</p> <p>7 MR VICTOR DAWES: If any of your colleagues of the company</p> <p>8 had been there, then you would have switched on the</p> <p>9 lever; right?</p> <p>10 MR LEUNG PING KAY: If I knew, if I'd been there, yes,</p> <p>11 I would have done it.</p> <p>12 MR VICTOR DAWES: That means if your company, not you</p> <p>13 personally, if your company had performed your duty,</p> <p>14 your company's duty as a registered FSI contractor, had</p> <p>15 conducted the checks just once before the fire, on the</p> <p>16 day of the fire, the fire alarm system would not have</p> <p>17 been turned off. Do you agree?</p> <p>18 MR LEUNG PING KAY: I cannot say for sure.</p> <p>19 MR VICTOR DAWES: Had the fire alarm system sounded on the</p> <p>20 day of the fire, a lot of lives would have been saved.</p> <p>21 In this matter, your company definitely has</p> <p>22 responsibility to bear. Do you agree?</p> <p>23 MR LEUNG PING KAY: I wasn't the only one there.</p> <p>24 MR VICTOR DAWES: I do understand that we don't want to see</p> <p>25 so many lives lost. The responsibility might not be</p>	<p>1 MR LEUNG PING KAY: At that time, it was related to an order</p> <p>2 related to the FSD. Previously, I was involved in</p> <p>3 another area.</p> <p>4 MR RICHARD KHAW: You said it was Marvel Fire, a large-scale</p> <p>5 project.</p> <p>6 MR LEUNG PING KAY: It's in relation to order 572.</p> <p>7 MR RICHARD KHAW: Is it also related to residential</p> <p>8 complexes?</p> <p>9 MR LEUNG PING KAY: Standalone building.</p> <p>10 MR VICTOR DAWES: You said, "In that project PC&amp;E was</p> <p>11 responsible for the building works, whereas Marvel Fire</p> <p>12 was responsible for the fire service".</p> <p>13 So in this project, the relationship was clear:</p> <p>14 Prestige, PC&amp;E, was in charge of the construction work;</p> <p>15 the building works and you were involved with FSI works.</p> <p>16 Is that right?</p> <p>17 MR LEUNG PING KAY: Mmm.</p> <p>18 MR RICHARD KHAW: In paragraph 34 it says in 2017 you</p> <p>19 continued to have contact with Gordon, and:</p> <p>20 "Gordon informed me that PC&amp;E would be engaging an</p> <p>21 RFSIC to carry out improvement works [for] Fire</p> <p>22 Safety ... in connection with one of PC&amp;E's</p> <p>23 projects ..."</p> <p>24 And then you were asked to give a quotation.</p> <p>25 On this occasion when Gordon contacted you, was the</p>
Page 178	Page 180
<p>1 just on yourself. But in relation to the -- to the</p> <p>2 failure of the system of fire alarm that day, do you</p> <p>3 agree that you had responsibility to bear?</p> <p>4 MR LEUNG PING KAY: Yes.</p> <p>5 MR VICTOR DAWES: You are not the only one who had made</p> <p>6 witness statements from your company. Mr Yim did too.</p> <p>7 Why were you only sent to testify here? Where is he?</p> <p>8 MR LEUNG PING KAY: I know more. That's why I am the one.</p> <p>9 MR VICTOR DAWES: No. I mean he also gave a detailed</p> <p>10 witness statement which we found useful. I want to ask</p> <p>11 why he does not come to give evidence having made the</p> <p>12 witness statement? Can you answer? No.</p> <p>13 I don't have any other questions.</p> <p>14 THE HON MR JUSTICE DAVID LOK: Any other involved parties?</p> <p>15 Examination by MR RICHARD KHAW</p> <p>16 MR RICHARD KHAW: Mr Leung, Mr Dawes has asked questions</p> <p>17 covering a wide scope. I just want to focus on a few</p> <p>18 issues.</p> <p>19 Your second witness statement, paragraph 33. Here</p> <p>20 you talk about the time when you first came into contact</p> <p>21 with Prestige. You said that when you were working for</p> <p>22 your previous employer, Marvel Fire, you came into</p> <p>23 contact with Prestige but you cannot recall which year</p> <p>24 but you remember it was a large-scale project.</p> <p>25 Did you get to know Gordon at that time?</p>	<p>1 relationship clear, that means you knew that PC&amp;E,</p> <p>2 Prestige, was also involved in building works, and you,</p> <p>3 China Status, was engaged to carry out FSI works for</p> <p>4 quotation?</p> <p>5 MR LEUNG PING KAY: Quotation.</p> <p>6 MR VICTOR DAWES: There would not be any misunderstanding</p> <p>7 that Prestige was also involved in FSI works; there</p> <p>8 would not be such a misunderstanding. Right?</p> <p>9 MR LEUNG PING KAY: Right.</p> <p>10 MR RICHARD KHAW: Now we go to paragraphs 36 and 39. Here</p> <p>11 you said since 2017 you have met Gordon several times.</p> <p>12 Gordon invited you, as mentioned by Mr Dawes, to attend</p> <p>13 tender interviews. They were interviews with potential</p> <p>14 clients.</p> <p>15 MR LEUNG PING KAY: Mmm.</p> <p>16 MR VICTOR DAWES: Here you talk about your role:</p> <p>17 "... so I may assist with explaining the scope of</p> <p>18 work to be provided by China Status to its potential</p> <p>19 client."</p> <p>20 So Gordon in the interviews would introduce you as</p> <p>21 an FSI contractor and the work you're involved in?</p> <p>22 MR LEUNG PING KAY: Yes. In relation to these orders, there</p> <p>23 would be building works and FSI works.</p> <p>24 MR RICHARD KHAW: Here you said:</p> <p>25 "... so I may assist with explaining the scope of</p>

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1 work ..."

2 It's about the work to be conducted as FSI

3 contractor. That's how you were introduced; right?

4 MR LEUNG PING KAY: Mmm.

5 MR RICHARD KHAW: There's something interesting in

6 paragraph 39. You said:

7 "I can recall that, during certain tender interviews

8 which I attended with him, he always represented to

9 others that 'Prestige' was a [registered FSI

10 contractor]."

11 Gordon was there. He said he was a registered FSI

12 contractor. You were there. You were introduced as

13 a registered FSI contractor. The clients might think,

14 why are you there?

15 MR LEUNG PING KAY: It was a tender interview. He

16 introduced himself as an FSI contractor. I think that

17 registration was obtained in 2019 or so. At that time

18 it was said that I helped with FSI. It wasn't anything

19 about my company.

20 MR RICHARD KHAW: You said here that Gordon represented

21 himself as FSI contractor and you were one too.

22 MR LEUNG PING KAY: I was also assisting in FSI in follow-up

23 work.

24 MR RICHARD KHAW: Did he explain to the clients that when it

25 comes to follow-up work, it would be documentation,

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1 clerical work, submission of documents?

2 MR LEUNG PING KAY: No, he wouldn't. He would just say the

3 follow-up work on FSIs.

4 MR RICHARD KHAW: Paragraph 40, you said in the course of

5 preparing this statement you checked the list and found

6 that actually there are two. One is Prestige

7 Construction & Engineering, the one we know, and the

8 other one is called Prestige Construction & Fire

9 Engineering. So one is PC&E, one is PC&F. So these are

10 two different companies. A simple company search would

11 find that; right?

12 MR LEUNG PING KAY: Right.

13 MR RICHARD KHAW: Your paragraph 23 in your statement,

14 it says -- let's look at paragraph 22 first. You said:

15 "I emphasise that we only provide this service to

16 RFSICs."

17 You said that the service, referring to submission

18 of forms. As Mr Dawes called it, rubberstamp service.

19 "We do not provide the service to the general

20 public. If a member of the general public or building

21 company that is not an RFSIC approaches us for an SDN

22 application, we would not entertain such requests."

23 Paragraph 23, it says:

24 "In other words, when a company approaches [you] for

25 an SDN application, [you] would insist ..."

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1 You would emphasise, and:

2 "... insist on a site inspection by myself or by my

3 staff. I will only proceed with an SDN application

4 without a site inspection when the company approaching

5 us is itself also an RFSIC."

6 That means, in general, as an FSI contractor, when

7 it comes to site inspections, which is -- well, these

8 things are very important; right?

9 MR LEUNG PING KAY: Mmm.

10 MR RICHARD KHAW: Unless you think that the one approaching

11 you is also an FSI contractor, you would conduct a site

12 inspection; right?

13 MR LEUNG PING KAY: Right.

14 MR RICHARD KHAW: So this is an exceptional circumstance.

15 If that is the case, when you agree, as Mr Dawes puts

16 it, that you adopted a rubberstamp approach, it would be

17 much more important to do a company search to find out

18 whether the company approaching you was an FSI

19 contractor; right?

20 MR LEUNG PING KAY: Right.

21 MR RICHARD KHAW: In answer to Mr Dawes' question, you said

22 that on this occasion when you were engaged by the

23 Wang Fuk Court as an FSI contractor in the major

24 renovation, you did not carry out a search to see if

25 Prestige was a registered contractor?

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1 MR LEUNG PING KAY: I knew.

2 MR RICHARD KHAW: You thought they were?

3 MR LEUNG PING KAY: I knew.

4 MR RICHARD KHAW: You knew there was one, but you did not

5 know whether the one approaching you was one or not?

6 MR LEUNG PING KAY: But they were under the same boss.

7 MR RICHARD KHAW: But now we know that they were two

8 different companies. A simple company search would find

9 that they were two different companies. Do you agree?

10 MR LEUNG PING KAY: During the tender they said that they

11 were an FSI contractor.

12 MR RICHARD KHAW: My last question. In your second witness

13 statement, paragraph 63, here you talked about the

14 shutdown of a switch. You said that you did not

15 personally attend the site, as you said earlier, to shut

16 down any system. Here you said that:

17 "It was my understanding, based on what Mr Cheung

18 told me, that the building management would arrange for

19 the appropriate personnel to carry out such tasks."

20 Here you said, according to what Mr Cheung told you,

21 the building management would arrange for the

22 appropriate personnel to shut down the system. When did

23 Mr Cheung tell you this?

24 MR LEUNG PING KAY: At the outset. They told me that

25 someone from the management must shut down the system.

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1 MR RICHARD KHAW: From the outset. So it was probably  
 2 before the renovation works was carried out?  
 3 MR LEUNG PING KAY: Yes.  
 4 MR RICHARD KHAW: After that, this was not mentioned again?  
 5 MR LEUNG PING KAY: Right.  
 6 MR RICHARD KHAW: When he talked to you, he did not tell you  
 7 what fire service system would be shut down and you did  
 8 not ask?  
 9 MR LEUNG PING KAY: No.  
 10 MR RICHARD KHAW: He did not specifically tell you how long  
 11 the system will be shut down for?  
 12 MR LEUNG PING KAY: No.  
 13 MR RICHARD KHAW: And you did not ask?  
 14 MR LEUNG PING KAY: No. When it was done, I would be  
 15 informed.  
 16 MR RICHARD KHAW: It says:  
 17 "... the building management would arrange for the  
 18 appropriate personnel to carry out such tasks."  
 19 What kind of personnel was he talking about?  
 20 MR LEUNG PING KAY: No.  
 21 MR RICHARD KHAW: And you did not ask?  
 22 MR LEUNG PING KAY: No.  
 23 MR RICHARD KHAW: Just now Mr Dawes asked you this: with  
 24 regards to your first witness statement, you said that,  
 25 according to the law, a registered FSI contractor can

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1 handle FSI and only a registered contractor can handle  
 2 such an FSI. You agree?  
 3 MR LEUNG PING KAY: Mmm.  
 4 MR VICTOR DAWES: And when he told you that the management  
 5 would arrange for appropriate personnel to shut down the  
 6 system, would you wonder if they had engaged a  
 7 registered contractor to carry out the tasks; did you  
 8 ask?  
 9 MR LEUNG PING KAY: No. I think that they would identify  
 10 appropriate personnel to carry out the task.  
 11 MR RICHARD KHAW: Under normal circumstances, if it's not  
 12 just go with the flow or you did not just act as  
 13 a rubberstamp and submit documents as asked, if you were  
 14 a responsible registered FSI contractor, when you  
 15 conduct on-site inspection -- here we're talking about  
 16 renovation work -- when a fire service system needs to  
 17 be shut down, according to your understanding, this is  
 18 what the registered FSI contractor will have to do;  
 19 right?  
 20 MR LEUNG PING KAY: Right.  
 21 MR RICHARD KHAW: You need to check if the shutdown was done  
 22 appropriately. You should supervise such an action;  
 23 right?  
 24 MR LEUNG PING KAY: They said that we were not required to  
 25 go there.

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1 MR RICHARD KHAW: Well, in general, if you are to conduct  
 2 inspection, the supervision as to whether the system is  
 3 shut down properly should be done by you?  
 4 MR LEUNG PING KAY: Right.  
 5 MR RICHARD KHAW: I have no further questions.  
 6 THE HON MR JUSTICE DAVID LOK: Counsel Suen.  
 7 Examination by MR JENKIN SUEN  
 8 MR JENKIN SUEN: Chairman, thank you.  
 9 Mr Leung, I have questions on two different areas.  
 10 I will not repeat what Mr Dawes and Mr Khaw have asked.  
 11 As an example, please go to B2/1700. This is an SDN  
 12 signed by you from China Status. You will recall that  
 13 you said just now on 16 June the SDN was issued. You  
 14 said that FS251 does not necessarily need to be attached  
 15 and you said when they asked you for it you would submit  
 16 it. Let's look at some dates.  
 17 You will remember that when you answered Mr Dawes'  
 18 questions, you admitted that the FS251 was prepared in  
 19 June and, despite that, it was only faxed to the FSD in  
 20 October. That was your evidence. Do you agree?  
 21 MR LEUNG PING KAY: Yes.  
 22 MR JENKIN SUEN: Let's look at page 1700. There are three  
 23 different dates on the top left-hand corner. Let's look  
 24 at the bottom date; that is 16 June 2025, 12.31 pm. Can  
 25 you see it?

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1 MR LEUNG PING KAY: Yes.  
 2 MR JENKIN SUEN: Correspondingly, on the right-hand side, it  
 3 says there is one page of fax. I believe that it was  
 4 the first time when China Status faxed this SDN to the  
 5 FSD?  
 6 MR LEUNG PING KAY: Right.  
 7 MR JENKIN SUEN: In the middle there is another date. We  
 8 may not be able to see part of it, but you can see that  
 9 there's 16 June 2025, that's on the same day. Two to  
 10 three hours later, at 3.10 pm, the page was sent back to  
 11 China Status.  
 12 So after the SDN's been sent, the FSCC stamped the  
 13 SDN and then faxed it back to China Status; right?  
 14 MR LEUNG PING KAY: Yes.  
 15 MR JENKIN SUEN: There is another date. That's 30 October  
 16 2025, 3.49 pm. At the top-right corner, that's page 1  
 17 of 2, it means that this is the first page of the  
 18 two-page document.  
 19 MR LEUNG PING KAY: Mmm.  
 20 MR JENKIN SUEN: I believe that on 30 October you faxed this  
 21 back to the FSD. If we look at page 1701, on page 1701  
 22 we see on the top right-hand corner, that's page 2 of 2.  
 23 That's the second page of the two-page document. The  
 24 time was 30 October 2025, 15:50. That's 3.50 pm. So  
 25 that's one minute after the first page was faxed.

<p>Page 189</p> <p>1 MR LEUNG PING KAY: Right.</p> <p>2 MR JENKIN SUEN: So, according to this record, I believe</p> <p>3 that you would agree that the FS251 was not sent or</p> <p>4 faxed to the FSD until 3 pm on 30 October. Would you</p> <p>5 agree with that?</p> <p>6 MR LEUNG PING KAY: Yes.</p> <p>7 MR JENKIN SUEN: If you look at page 1700, part 1, it's</p> <p>8 about SDN serial number, if any. You said just now that</p> <p>9 "We don't necessarily have to send the FS251 because it</p> <p>10 says 'if any'".</p> <p>11 In the same form, note 3, it says:</p> <p>12 "The registered FSI contractor must issue</p> <p>13 a certificate 14 days after the completion of inspection</p> <p>14 of any FSI or equipment."</p> <p>15 That certificate refers to FS251; right?</p> <p>16 MR LEUNG PING KAY: Yes.</p> <p>17 MR JENKIN SUEN: If you look at FS251 at the next page, you</p> <p>18 claimed that you checked the FS water tank.</p> <p>19 MR LEUNG PING KAY: Right.</p> <p>20 MR JENKIN SUEN: And the completion date was 16 June 2025.</p> <p>21 Would you agree that within 14 days after 16 June 2025</p> <p>22 you would need to send the FS251 to the FSD?</p> <p>23 MR LEUNG PING KAY: We already sent it, but we only faxed it</p> <p>24 to the FS communications centre in October.</p> <p>25 MR JENKIN SUEN: You said that you've already sent it before</p>	<p>Page 191</p> <p>1 MR JENKIN SUEN: The second thing that I would like to go</p> <p>2 into with you is about the supply tank. In your second</p> <p>3 witness statement, you talked about a website of the</p> <p>4 FSD. Mr Dawes has gone through the document with you,</p> <p>5 that's R3/1035. R3/1035, this is supply tank. Just now</p> <p>6 Mr Dawes asked you about this. I will not repeat them.</p> <p>7 Apart from supply tank, can you see that there is</p> <p>8 something about fire hydrant and hose reel system?</p> <p>9 MR LEUNG PING KAY: Right.</p> <p>10 MR JENKIN SUEN: And this fire hydrant and hose reel system,</p> <p>11 there is a tick on the right-hand side. If you go up</p> <p>12 a little bit, it says that we need to have a</p> <p>13 class 2-registered FSI contractor to handle it. Can you</p> <p>14 see it?</p> <p>15 MR LEUNG PING KAY: Yes.</p> <p>16 MR JENKIN SUEN: Regarding this fire hydrant and hose reel</p> <p>17 system, you, as a contractor, would know that there are</p> <p>18 seven components to this system, including the supply</p> <p>19 tank. That's part of the system; right?</p> <p>20 MR LEUNG PING KAY: Yes.</p> <p>21 MR JENKIN SUEN: Would you agree with that?</p> <p>22 MR LEUNG PING KAY: Yes.</p> <p>23 MR JENKIN SUEN: Well, let's look at the code of practice.</p> <p>24 B2, page 789. This is the September 2022 version.</p> <p>25 Let's look at page 858. Let's look at paragraph 5.14.</p>
<p>Page 190</p> <p>1 October?</p> <p>2 MR LEUNG PING KAY: Right.</p> <p>3 MR JENKIN SUEN: We did not see it from the evidence.</p> <p>4 If you look at the laws, B2, page 179, this is the</p> <p>5 Fire Services (Installation and Equipment) Regulations.</p> <p>6 Would you look at regulation 9(1). It says:</p> <p>7 "Whenever a registered contractor installs,</p> <p>8 maintains, repairs or inspects any fire service</p> <p>9 installation ... he shall within 14 days after</p> <p>10 completion of the work issue to the person on whose</p> <p>11 instructions the work was undertaken a certificate and</p> <p>12 forward a copy thereof to the Director."</p> <p>13 Can you see it?</p> <p>14 MR LEUNG PING KAY: Yes, I see it.</p> <p>15 MR JENKIN SUEN: In other words, if you're engaged by the</p> <p>16 Owners' Corporation, then you need to send the</p> <p>17 certificate to the Owners' Corporation and within</p> <p>18 14 days you need to send a copy to the director. That's</p> <p>19 a statutory requirement; right?</p> <p>20 MR LEUNG PING KAY: Yes.</p> <p>21 MR JENKIN SUEN: You agree with that?</p> <p>22 MR LEUNG PING KAY: Yes.</p> <p>23 MR JENKIN SUEN: If you do not do it, then you've breached</p> <p>24 the law?</p> <p>25 MR LEUNG PING KAY: Right.</p>	<p>Page 192</p> <p>1 This is "Fire hydrant/hose reel system". That was the</p> <p>2 system that I was referring to just now. You see that</p> <p>3 there are seven components to the system? Eight is the</p> <p>4 fire hydrant.</p> <p>5 Let's go all the way down to page 862. Let's go up</p> <p>6 a little bit. A moment, please.</p> <p>7 Page 860, (c), "Supply Tank". That's one of the</p> <p>8 seven components to the system. Agreed?</p> <p>9 MR LEUNG PING KAY: Yes.</p> <p>10 MR JENKIN SUEN: Lastly, let's look at another document. We</p> <p>11 have gone through the circular letter with you. Let's</p> <p>12 look at B2/1302. Let's scroll down to the last</p> <p>13 paragraph. Here it says:</p> <p>14 "As RFSICs will be engaged by the FSI owners to</p> <p>15 inspect FSIs to see whether they have to be shut down</p> <p>16 for maintenance/modification/repair, the RFSIC is</p> <p>17 therefore the most appropriate person to notify the FSD</p> <p>18 accordingly."</p> <p>19 So, in other words, as the registered RFSIC is</p> <p>20 responsible to inspect the installations to see if they</p> <p>21 need to be shut down for maintenance, modification or</p> <p>22 repair, this registered FSI contractor is the most</p> <p>23 appropriate person to notify the FSD about the shutdown.</p> <p>24 At that time, you were a registered contractor.</p> <p>25 You would know about this obligation?</p>

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1 MR LEUNG PING KAY: Right.  
2 MR JENKIN SUEN: So the circular letter was very clear. In  
3 seeing that if the registered FSI contractor is required  
4 to notify the FSD, it would be because they are engaged  
5 in the inspection or the maintenance work. They  
6 shouldn't act just like a rubberstamp to notify the FSD.  
7 Do you agree with that?  
8 MR LEUNG PING KAY: Yes.  
9 MR JENKIN SUEN: Thank you, chairman. I have no further  
10 questions.  
11 THE HON MR JUSTICE DAVID LOK: Any other involved parties?  
12 Any questions from the legal representative of Mr Leung?  
13 MR JONATHAN KWAN: I have no questions.  
14 THE HON MR JUSTICE DAVID LOK: So no other questions from  
15 any other involved parties.  
16 Mr Leung, thank you for coming to give your evidence  
17 today and thank you for being frank. Your evidence is  
18 important for the inquiry.  
19 (The witness was released)  
20 (4.35 pm)  
21 THE HON MR JUSTICE DAVID LOK: Friday, 10 am, we will resume  
22 our evidential hearing and we will hear from Mr Keung  
23 from the Fire Services Department.  
24 Friday, 10.00 am.  
25 (4.36 pm)

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1 (The hearing adjourned until 10.00 am  
2 on Friday, 10 April 2026)  
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