

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 14
Friday, 17 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 Jenkin Suen SC, Mr Michael Lok, Mr Calvin Cheuk and Mr Charlie
Liu appeared on behalf of the Government**

**Mr Laurence Li SC and Ms Denise Or appeared on behalf of the 12th
Management Committee of the Incorporated Owners of Wang Fuk Court**

Mr Cedric Yeung appeared on behalf of ISS EastPoint Properties Ltd.

Representatives of Department of Justice

**Mr Esmond WONG and Mr Colman Li appeared on behalf of the residents
of Wang Fuk Court**

Representatives of Competition Commission

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

Solicitor for Hop On Management Company Limited

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<p>1 Friday, 17 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: Good morning. The first witness of today is</p> <p>5 Mr Chung Yun Sun, but before that, I would like to say</p> <p>6 something to the chairman. Mr Chung is possibly one of</p> <p>7 the workers who were closest to the location where the</p> <p>8 fire started on that day and we will cover the</p> <p>9 situation. A clip will also be shown to Mr Chung of the</p> <p>10 location where the fire started at the light well. So</p> <p>11 after seeing the clip, if you feel the need to seek</p> <p>12 professional help, please do so.</p> <p>13 Now we call Mr Chung Yun Sun.</p> <p>14 Mr Chung, please put your ID card away. Before you</p> <p>15 is a declaration. Please be upstanding and read out the</p> <p>16 declaration.</p> <p>17 (10.02 am)</p> <p>18 MR CHUNG YUN SUN (affirmed)</p> <p>19 Examination by MR SW LEE</p> <p>20 MR SW LEE: Please be seated. Mr Chung, we asked you to</p> <p>21 come here because we know that in mid-September 2025 you</p> <p>22 started working at Wang Fuk Court to replace mosaic</p> <p>23 tiles.</p> <p>24 MR CHUNG YUN SUN: Right.</p> <p>25 MR SW LEE: Basically, you were working at Wang Cheong</p>	<p>1 MR SW LEE: But the foreman did not tell you points to note</p> <p>2 about safety?</p> <p>3 MR CHUNG YUN SUN: Yes, he did.</p> <p>4 MR SW LEE: What was usually said?</p> <p>5 MR CHUNG YUN SUN: That we were not allowed to smoke, we</p> <p>6 were not allowed to smoke up there.</p> <p>7 MR SW LEE: By "up there" you mean scaffolding?</p> <p>8 MR CHUNG YUN SUN: Yes.</p> <p>9 MR SW LEE: I'd like to show you the first clip. You can</p> <p>10 explain to us what your work entails. On 26 November</p> <p>11 you were on the 4th floor of Wang Cheong House, working;</p> <p>12 right?</p> <p>13 MR CHUNG YUN SUN: Yes.</p> <p>14 MR SW LEE: This may not be a clip showing you yourself but</p> <p>15 your colleagues, that is before the fire. I'd like to</p> <p>16 show you the clip so that you can take us through your</p> <p>17 work procedure or workflow.</p> <p>18 MR CHUNG YUN SUN: Right.</p> <p>19 MR SW LEE: This here is actually the scaffolding on the 5th</p> <p>20 floor. You can look at it on the monitor in front of</p> <p>21 you.</p> <p>22 In the middle is the access opening of the rear</p> <p>23 staircase. Here is a video-recorder, a camera placed by</p> <p>24 the contractor on the 5th floor. It shows the</p> <p>25 scaffolding.</p>
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<p>1 House, that is the work of replacing mosaic tiles?</p> <p>2 MR CHUNG YUN SUN: Right.</p> <p>3 MR SW LEE: On the day of the fire, that is 26 November</p> <p>4 2025, you were working on the scaffolding?</p> <p>5 MR CHUNG YUN SUN: Right.</p> <p>6 MR SW LEE: After the fire you have given a witness</p> <p>7 statement to the police; right? Can you remember?</p> <p>8 MR CHUNG YUN SUN: Yes.</p> <p>9 MR SW LEE: I believe that the statement you made to the</p> <p>10 police was true to your information and belief; right?</p> <p>11 MR CHUNG YUN SUN: Yes.</p> <p>12 MR SW LEE: I understand that, through a friend, you were</p> <p>13 referred for the work at Wang Cheong House of Wang Fuk</p> <p>14 Court.</p> <p>15 MR CHUNG YUN SUN: Right.</p> <p>16 MR SW LEE: Before you started your work, did you attend any</p> <p>17 safety training sessions chaired by safety officers?</p> <p>18 MR CHUNG YUN SUN: No.</p> <p>19 MR SW LEE: Did any foreman of yours or any staff of</p> <p>20 contractors tell you that in case of fire how you should</p> <p>21 escape? Did they tell you about safety measures?</p> <p>22 MR CHUNG YUN SUN: No.</p> <p>23 MR SW LEE: When you worked, was there a foreman, say, for</p> <p>24 example, supervising your work?</p> <p>25 MR CHUNG YUN SUN: Yes.</p>	<p>1 Before I play the clip, let's first look at the left</p> <p>2 side of the screen. New mosaic tiles have already been</p> <p>3 placed there.</p> <p>4 MR CHUNG YUN SUN: Right.</p> <p>5 MR SW LEE: There are some writings or markings on the</p> <p>6 mosaic tiles. Is it because there is the backing paper</p> <p>7 of the mosaic tiles?</p> <p>8 MR CHUNG YUN SUN: Yes.</p> <p>9 MR SW LEE: I understand that mosaic tiles are transported</p> <p>10 to the site in boxes.</p> <p>11 MR CHUNG YUN SUN: Right.</p> <p>12 MR SW LEE: So to protect the surface of the mosaic tiles so</p> <p>13 that the tiles will not be scratched, there is a backing</p> <p>14 paper on each piece of mosaic tile.</p> <p>15 MR CHUNG YUN SUN: Right.</p> <p>16 MR SW LEE: So after putting the tiles on, you have to</p> <p>17 remove the backing paper.</p> <p>18 MR CHUNG YUN SUN: Right.</p> <p>19 MR SW LEE: It's not possible to remove the paper and then</p> <p>20 take it to the bin every single time; right?</p> <p>21 MR CHUNG YUN SUN: Right.</p> <p>22 MR SW LEE: So you just put them on the floor and then clear</p> <p>23 the rubbish up just before you finished work?</p> <p>24 MR CHUNG YUN SUN: Right.</p> <p>25 MR SW LEE: So when you work -- before you finish work, you</p>

Page 5	<p>1 will -- some casual workers will collect the backing 2 papers and remove them; right? 3 MR CHUNG YUN SUN: Right. 4 MR SW LEE: Now we'll show you the clip to get an 5 understanding of your workflow. 6 (Video played) 7 MR SW LEE: This is your colleague. He was working on the 8 scaffolding on that day? 9 MR CHUNG YUN SUN: I think so. 10 MR SW LEE: We can see his shadow. He places the mosaic 11 tiles and then he uses a trowel to flatten it. 12 Let's pause here. My understanding by looking at 13 the procedure is that first, on the concrete surface, 14 you plaster the mortar adhesive. 15 MR CHUNG YUN SUN: Right. 16 MR SW LEE: Mortar adhesive is improved cement to bind the 17 mosaic tiles. 18 MR CHUNG YUN SUN: Right. 19 MR SW LEE: So there is not many debris falling from the 20 process, apart from the backing paper? 21 MR CHUNG YUN SUN: Right. 22 MR SW LEE: So the process, the work step of laying mosaic 23 tiles, the risk of breaking windows is actually very 24 low? 25 MR CHUNG YUN SUN: Very low.</p>	Page 7	<p>1 MR CHUNG YUN SUN: Right. 2 MR SW LEE: Now I'll show you another clip. You will hear 3 voices, conversation among your colleagues. The audio 4 is not synced with the image, but please pay attention 5 to the words spoken. Now let me show you the clip. 6 (Video played) 7 VIDEO RECORDING: Don't be so loud. 8 INTERPRETER: Inaudible. 9 VIDEO RECORDING: You smoke, right? 10 Where? Where? 11 INTERPRETER: Inaudible. 12 Inaudible. 13 VIDEO RECORDING: Quick, quick, quick! Don't be so loud. 14 INTERPRETER: Inaudible. 15 Inaudible. 16 VIDEO RECORDING: Where you are. I did not smoke. 17 INTERPRETER: Inaudible. 18 Inaudible. 19 Inaudible. 20 VIDEO RECORDING: Where? 21 It's a light down below. Fire's fierce. 22 INTERPRETER: Inaudible. 23 VIDEO RECORDING: Quick! There's trouble. A lot of smoke. 24 Quick! Quick! 25 INTERPRETER: Inaudible.</p>
Page 6	<p>1 MR SW LEE: Well, the work may be dirty, but the windows 2 will not be broken. 3 MR CHUNG YUN SUN: Rarely. 4 MR SW LEE: So when you lay the new mosaic tiles on the 5 facade, there is not actually a need to use foam boards 6 to cover windows? 7 MR CHUNG YUN SUN: It's just done to keep the windows clean. 8 MR SW LEE: That's merely to reduce cleaning work? 9 MR CHUNG YUN SUN: Right. 10 MR SW LEE: But to you, a skilled worker will not make the 11 work area dirty. 12 MR CHUNG YUN SUN: Not necessarily, because there may be 13 falling debris. 14 MR SW LEE: It would just be mortar adhesive and not stones 15 or pebbles or other fragments, right, that will break 16 windows? 17 MR CHUNG YUN SUN: That's right. 18 MR SW LEE: We know that about 2 o'clock, before 3 o'clock, 19 you were working on the scaffolding on 26 November. 20 MR CHUNG YUN SUN: Right. 21 MR SW LEE: At that time you learned about the fire. 22 MR CHUNG YUN SUN: Right. 23 MR SW LEE: You've already explained to the police that at 24 that time there were also a number of your colleagues 25 working on the scaffolding.</p>	Page 8	<p>1 VIDEO RECORDING: Put out the fire! Quick! Call the 2 police. 3 INTERPRETER: Inaudible. 4 VIDEO RECORDING: Quick! 5 MR SW LEE: Let's pause here. It's very difficult for you 6 to hear anything, but before today you've heard this 7 clip many times. You could hear someone asked who 8 smoked and that there was a fire and someone talked 9 about getting a hose. From your evidence, I learned 10 that it seems you heard someone talked about a fire and 11 then you realised that there was danger. 12 MR CHUNG YUN SUN: Right. 13 MR SW LEE: When you heard someone said there was a fire, 14 did you also smell a burning smell? 15 MR CHUNG YUN SUN: When I saw that, there was already 16 a fire. 17 MR SW LEE: When you saw it was it from above or below? 18 MR CHUNG YUN SUN: Below. 19 MR SW LEE: And at that time you were on the 4th floor? 20 MR CHUNG YUN SUN: Right. 21 MR SW LEE: So what you could see was somewhere below this 22 location on the screen? 23 MR CHUNG YUN SUN: Right. 24 MR SW LEE: You said you wanted to find a hose because there 25 was a hose for work use?</p>

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<p>1 MR CHUNG YUN SUN: Right.</p> <p>2 MR SW LEE: In relation to this hose, where was the water</p> <p>3 supply? From the rooftop?</p> <p>4 MR CHUNG YUN SUN: I think it was from the rooftop.</p> <p>5 MR SW LEE: But you did not know how it was connected?</p> <p>6 MR CHUNG YUN SUN: Right.</p> <p>7 MR SW LEE: You talked about using water to try to put out</p> <p>8 the fire, but after 20 to 30 seconds the water ran out.</p> <p>9 MR CHUNG YUN SUN: Right.</p> <p>10 MR SW LEE: We know that you did not go into the building</p> <p>11 through the access opening. You and your colleagues</p> <p>12 climbed down via the scaffolding to the ground floor to</p> <p>13 escape?</p> <p>14 MR CHUNG YUN SUN: Right.</p> <p>15 MR SW LEE: As far as you know, you and your colleagues</p> <p>16 working near you were safe, they safely left the</p> <p>17 scaffolding?</p> <p>18 MR CHUNG YUN SUN: Not at that time, but I learned about</p> <p>19 that later.</p> <p>20 MR SW LEE: They were all safe and managed to escape</p> <p>21 successfully.</p> <p>22 MR CHUNG YUN SUN: Right.</p> <p>23 MR SW LEE: We know that you have explained to the police</p> <p>24 you are a smoker but you've never smoked on</p> <p>25 a scaffolding?</p>	<p>1 MR CHUNG YUN SUN: No. After I finished lunch, I</p> <p>2 immediately went back to work.</p> <p>3 MR SW LEE: So does it mean that you only smoke before work</p> <p>4 and then again after work?</p> <p>5 MR CHUNG YUN SUN: Yes, correct, really.</p> <p>6 MR SW LEE: I don't have any further questions.</p> <p>7 THE HON MR JUSTICE DAVID LOK: Any questions from other</p> <p>8 involved parties?</p> <p>9 If not, then I have a question.</p> <p>10 Questions by THE MEMBERS</p> <p>11 We saw someone saying there was someone smoking.</p> <p>12 Was there a fire already at that juncture?</p> <p>13 MR CHUNG YUN SUN: I didn't hear that because I was working</p> <p>14 on the other side.</p> <p>15 THE HON MR JUSTICE DAVID LOK: And you heard that some other</p> <p>16 workers were still working. At that juncture, you</p> <p>17 didn't see the fire?</p> <p>18 MR CHUNG YUN SUN: No, I didn't see the fire. I didn't know</p> <p>19 that there was a fire.</p> <p>20 THE HON MR JUSTICE DAVID LOK: And towards the end of the</p> <p>21 clip someone said, "Escape, there is a fire", and then</p> <p>22 at that juncture you knew about the fire?</p> <p>23 MR CHUNG YUN SUN: I saw that there was fire below.</p> <p>24 THE HON MR JUSTICE DAVID LOK: Thank you very much.</p> <p>25 Mr Chung, you have finished giving your evidence.</p>
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<p>1 MR CHUNG YUN SUN: Right.</p> <p>2 MR SW LEE: But when we heard that when a fire started the</p> <p>3 workers asked among themselves whether someone was</p> <p>4 smoking and that the smoking lit some materials. For</p> <p>5 the two or three months when you were working at</p> <p>6 Wang Fuk Court, you did not smoke, but did you see any</p> <p>7 workers smoking on the scaffolding?</p> <p>8 MR CHUNG YUN SUN: We, each man, a certain area, we couldn't</p> <p>9 see the others because we were working in our respective</p> <p>10 area.</p> <p>11 MR SW LEE: The police asked you, if you did not smoke on</p> <p>12 the scaffolding, where would you smoke. You said that</p> <p>13 as far as you knew, there was no designated smoking area</p> <p>14 for workers; right?</p> <p>15 MR CHUNG YUN SUN: Right.</p> <p>16 MR SW LEE: So from what you said, you would go down to the</p> <p>17 ground floor from the scaffolding, find somewhere where</p> <p>18 there was no one else and smoke there?</p> <p>19 MR CHUNG YUN SUN: Well, we're specifically told that we</p> <p>20 should not bring cigarettes with us up the scaffolding.</p> <p>21 MR SW LEE: So you only smoke when you finish work or when</p> <p>22 you are having your break?</p> <p>23 MR CHUNG YUN SUN: Right.</p> <p>24 MR SW LEE: So during lunchtime, when no one was around, you</p> <p>25 would smoke?</p>	<p>1 (The witness was released)</p> <p>2 (10.21 am)</p> <p>3 MR VICTOR DAWES: Chair, the next witness is Mr Tsui Moon</p> <p>4 Come, Tony.</p> <p>5 Mr Tsui, good morning. Like other witnesses, please</p> <p>6 read the declaration in front of you.</p> <p>7 (10.22 am)</p> <p>8 MR TSUI MOON COME, TONY (affirmed)</p> <p>9 Examination by MR VICTOR DAWES</p> <p>10 MR VICTOR DAWES: Please be seated. Mr Tsui, we all know</p> <p>11 that you are the chairperson of the 12th management</p> <p>12 committee of the Incorporated Owners of Wang Fuk Court</p> <p>13 at the 2nd board. Your term was from 6 September 2024</p> <p>14 up to 6 January this year, until the day that Hop On</p> <p>15 Management took over the management of the court; right?</p> <p>16 MR TSUI MOON COME: Correct.</p> <p>17 MR VICTOR DAWES: The board before you was the 1st board and</p> <p>18 it was chaired by Mr Tang Kwok Kuen.</p> <p>19 MR TSUI MOON COME: Right.</p> <p>20 MR VICTOR DAWES: To avoid confusion, I will say that you</p> <p>21 are the new management committee and then the one</p> <p>22 chaired by Mr Tang is the old management committee. Do</p> <p>23 you understand that?</p> <p>24 MR TSUI MOON COME: Yes, understand.</p> <p>25 MR VICTOR DAWES: Different from other residents, you were</p>

Page 13	<p>1 the chairperson of the Owners' Corporation. Before you</p> <p>2 assumed office, you have been involved in the major</p> <p>3 renovation work for a long time so you should know much</p> <p>4 more than the other residents in relation to the major</p> <p>5 maintenance project, and because of this I will be</p> <p>6 asking many more questions than are posed to the other</p> <p>7 people. Do you understand?</p> <p>8 MR TSUI MOON COME: Yes.</p> <p>9 MR VICTOR DAWES: Please understand this, when we collected</p> <p>10 evidence, we heard many accusations and many of them are</p> <p>11 hearsay, not backed by concrete evidence. To help us</p> <p>12 with our work, please provide useful evidence to us as</p> <p>13 much as possible. Do you understand that?</p> <p>14 MR TSUI MOON COME: Yes.</p> <p>15 MR VICTOR DAWES: This point is very important to yourself.</p> <p>16 In major maintenance project there might be different</p> <p>17 opinions among the residents and there have been a lot</p> <p>18 of accusations against you. This is an opportunity for</p> <p>19 you to explain your stance. I hope that you can seize</p> <p>20 the opportunity to tell us what actually happened. Do</p> <p>21 you understand?</p> <p>22 MR TSUI MOON COME: Yes.</p> <p>23 MR VICTOR DAWES: First, what is your occupation?</p> <p>24 MR TSUI MOON COME: I work in the MTRC. I am involved in</p> <p>25 electronic repair work.</p>	Page 15	
Page 14	<p>1 MR VICTOR DAWES: To assist us in our work, you have</p> <p>2 provided a number of documents. On 2 February this year</p> <p>3 you sent a response email to the Committee. This email</p> <p>4 is just your personal opinion or the opinion of the new</p> <p>5 management committee?</p> <p>6 MR TSUI MOON COME: I've collected information from the new</p> <p>7 management committee and then wrote up that email.</p> <p>8 MR VICTOR DAWES: But before you sent the email, did you</p> <p>9 show it to them?</p> <p>10 MR TSUI MOON COME: Yes, I did.</p> <p>11 MR VICTOR DAWES: The second is on 16 March, and this is</p> <p>12 a response from the new MC to the solicitors of the</p> <p>13 Committee, so you are also representing the new MC;</p> <p>14 right?</p> <p>15 MR TSUI MOON COME: Yes.</p> <p>16 MR VICTOR DAWES: On 15 April you also sent in a witness</p> <p>17 statement, the latest one. This was prepared with the</p> <p>18 assistance of a solicitor.</p> <p>19 MR TSUI MOON COME: Yes.</p> <p>20 MR VICTOR DAWES: Can you confirm that the content is</p> <p>21 correct?</p> <p>22 MR TSUI MOON COME: Yes.</p> <p>23 MR VICTOR DAWES: Your new witness statement is in bundle</p> <p>24 WS12. Can we project it on the screen, please. Let's</p> <p>25 look at paragraphs 12 to 15.</p>	<p>1 You said that starting early June 2024, the old</p> <p>2 management committee, through the solicitors, told the</p> <p>3 residents that they should pay for the cost, and back</p> <p>4 then you asked why the rush?</p> <p>5 MR TSUI MOON COME: Yes. We received the solicitor's</p> <p>6 letter. It was in a rush and the instalment period was</p> <p>7 too short.</p> <p>8 MR VICTOR DAWES: On 14 June, in the meeting of the old MC,</p> <p>9 you asked to sit in the meeting to reflect your opinions</p> <p>10 on the fundraising exercise.</p> <p>11 MR TSUI MOON COME: Yes.</p> <p>12 MR VICTOR DAWES: You took the initiative to get involved in</p> <p>13 the project?</p> <p>14 MR TSUI MOON COME: Right.</p> <p>15 MR VICTOR DAWES: And many residents would like to sit in</p> <p>16 the meeting as well. Is it true that the other</p> <p>17 residents were not allowed to attend the meeting?</p> <p>18 MR TSUI MOON COME: Sorry.</p> <p>19 MR VICTOR DAWES: So on 7 July 2024, a programme on the TVB</p> <p>20 Scoop was reporting on this incident, and together with</p> <p>21 the other residents, you were discussing the subject</p> <p>22 with residents in a nearby playground and you would</p> <p>23 collect 5 per cent of the residents' signatures so that</p> <p>24 you could ask for extension of the fundraising exercise</p> <p>25 period.</p>	Page 16

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<p>1 MR VICTOR DAWES: Apart from the period for fundraising, you 2 were also dissatisfied with the old MC. What are these 3 dissatisfactions? 4 MR TSUI MOON COME: In the past we collected or received 5 feedback from residents. I sat in the meetings as well. 6 They had disregarded our opinions and they didn't allow 7 us to sit in the meetings on 14 June. So we were 8 suspicious of their practices or arrangements. 9 MR VICTOR DAWES: Then on the subject of appointing 10 Will Power. On 25 January 2019 there was an AGM held. 11 MR TSUI MOON COME: Right. 12 MR VICTOR DAWES: That was several years back. Back then, 13 you didn't pay much attention to the major maintenance 14 project yet. 15 MR TSUI MOON COME: No. 16 MR VICTOR DAWES: 25 January 2019, that was the AGM of the 17 old MC. That is in bundle 12/1512. At that time, did 18 you attend this AGM? 19 MR TSUI MOON COME: No. 20 MR VICTOR DAWES: You didn't pay attention yet. Can you 21 help us, on this meeting, do you remember that there was 22 some argument among the residents or that the residents 23 didn't have much contention? 24 MR TSUI MOON COME: I didn't take part in this meeting so 25 I do not know.</p>	<p>1 MR TSUI MOON COME: That was in 2021? That was around the 2 time of the pandemic. I didn't pay much attention. 3 I know there was some kind of investigation going on. 4 MR VICTOR DAWES: Let me tell you what happened briefly. If 5 you couldn't assist us, just tell us so and then we will 6 move on. 7 Chronologically speaking, in January 2021, Wang Fuk 8 Court was tendering out for the contractor and 9 Will Power came back with a bid of \$308,000. Did you 10 know this amount? 11 MR TSUI MOON COME: No, I didn't. But when I assumed office 12 as chairperson, I retrieved the record and I knew about 13 it. 14 MR VICTOR DAWES: Has anyone told you that with such a low 15 bid, how could they do their work? 16 MR TSUI MOON COME: No, we didn't discuss that part. 17 MR VICTOR DAWES: Let's move quickly on to what happened 18 subsequently, since you couldn't help us with what 19 happened in that period. 20 The tender for the consultant was done in 21 January 2020 and then Will Power was appointed on 22 11 December 2021. Why was there such a delay, apart 23 from the fact that there was a pandemic? 24 MR TSUI MOON COME: No, I couldn't tell. 25 MR VICTOR DAWES: That's all right.</p>
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<p>1 MR VICTOR DAWES: Let's take paragraph 6, page 1514, towards 2 the bottom part. The secretary said here -- well, let's 3 take a look at this page and the next page. It is said 4 that there were exchange sessions held at the lobby, at 5 the video channel and the mailboxes, notices were 6 disseminated about appointing registered inspectors. 7 Did you take note of these messages? 8 MR TSUI MOON COME: No, I didn't. 9 MR VICTOR DAWES: There were accusations that such messages 10 were not disseminated, so you couldn't help us in 11 confirming whether this is true or not? 12 MR TSUI MOON COME: No, I can't. 13 MR VICTOR DAWES: Let's see if you can help us. Let's look 14 at the voting results. Most of the residents were 15 supporting Will Power. The company which secured the 16 second largest number of votes was another one and the 17 votes it got was much less and the bidding price of 18 Will Power was much higher than the second highest 19 bidder. You didn't know about the results. 20 MR TSUI MOON COME: Right. 21 MR VICTOR DAWES: Let's move on. Let's move on to 2021. On 22 11 December we know there was an EGM and that was the 23 meeting to appoint Will Power as the consultant to the 24 project. That was about two years on. Did you pay 25 attention to the major maintenance project at that time?</p>	<p>1 And then on 11 December 2021 there was an EGM 2 appointing the consultant, and you didn't take part in 3 that EGM? 4 MR TSUI MOON COME: No. 5 MR VICTOR DAWES: So you wouldn't know about the issues 6 discussed at the meeting? 7 MR TSUI MOON COME: No. 8 MR VICTOR DAWES: January 2024, Prestige was appointed. Did 9 you start paying attention at that time? 10 MR TSUI MOON COME: No, not yet. 11 MR VICTOR DAWES: On the EGM, the voting, you didn't have 12 firsthand information; you heard about what happened 13 afterwards? 14 MR TSUI MOON COME: Right. 15 MR VICTOR DAWES: In your witness statement you said that 16 there were some disputes in that owners' meeting, and 17 you knew about that afterwards; is that right? 18 MR TSUI MOON COME: Yes. 19 MR VICTOR DAWES: Later you found out that there was some 20 argument or concern on the proxy votes and whether 21 they should be valid. 22 MR TSUI MOON COME: I wasn't there, so I heard what happened 23 from other members afterwards. 24 MR VICTOR DAWES: So in your witness statement, what you 25 said was something that you heard from others?</p>

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<p>1 MR TSUI MOON COME: Yes.</p> <p>2 MR VICTOR DAWES: As for the collection of proxy votes, as</p> <p>3 to whether relevant information was posted at the</p> <p>4 meetings, you didn't have firsthand information to share</p> <p>5 with us?</p> <p>6 MR TSUI MOON COME: Correct.</p> <p>7 MR VICTOR DAWES: Did you use a proxy vote?</p> <p>8 MR TSUI MOON COME: No.</p> <p>9 MR VICTOR DAWES: What about your neighbours?</p> <p>10 MR TSUI MOON COME: I didn't know.</p> <p>11 MR VICTOR DAWES: We know that there were complaints in the</p> <p>12 meeting at that time. You checked the records when you</p> <p>13 became chairperson afterwards?</p> <p>14 MR TSUI MOON COME: I didn't pursue the matter after</p> <p>15 I became the chairperson.</p> <p>16 MR VICTOR DAWES: So you were just forward-looking and you</p> <p>17 didn't look back at what happened?</p> <p>18 MR TSUI MOON COME: Right.</p> <p>19 MR VICTOR DAWES: Let's move on to your understanding of</p> <p>20 what others told you because in your witness statement,</p> <p>21 paragraphs 93 to 96, page 2099, you said that after you</p> <p>22 assumed office you have understood how people handled</p> <p>23 the proxy votes at the owners' meeting and also the</p> <p>24 procedures in relation to Cap 344 of Hong Kong laws.</p> <p>25 After you assumed office, how was your approach?</p>	<p>1 from then we will start collecting proxy votes. There</p> <p>2 will be at least 12 days, that is 14 days minus</p> <p>3 48 hours.</p> <p>4 MR VICTOR DAWES: 12 days?</p> <p>5 MR TSUI MOON COME: Yes.</p> <p>6 MR VICTOR DAWES: You said that before and after you assumed</p> <p>7 office, the method in which it is handled is similar.</p> <p>8 Is there any way that you verify the authenticity of the</p> <p>9 proxy vote?</p> <p>10 MR TSUI MOON COME: No. If you're talking about</p> <p>11 authenticity, there is no one to check the signature.</p> <p>12 But when we count the vote, we will see if there is any</p> <p>13 mistakes in the writings.</p> <p>14 MR VICTOR DAWES: After collecting the votes, would there be</p> <p>15 anyone going there to check who actually lives in that</p> <p>16 apartment, is that person valid enough to authorise the</p> <p>17 proxy vote?</p> <p>18 MR TSUI MOON COME: In this area, it is the property</p> <p>19 management office who will cover that because they have</p> <p>20 to prepare reply slip and send it back to the owner.</p> <p>21 MR VICTOR DAWES: So the management company did carry out</p> <p>22 the work, in other words, upon receiving the proxy vote,</p> <p>23 let's say it is from flat 506, they will put a reply</p> <p>24 slip to the mailbox of that resident?</p> <p>25 MR TSUI MOON COME: Yes.</p>
Page 22	Page 24
<p>1 MR TSUI MOON COME: You mean in relation to proxy votes?</p> <p>2 MR VICTOR DAWES: Well, let's take things step by step. Is</p> <p>3 it the case that there is a collection box placed on</p> <p>4 each block where the residents can put in their proxy</p> <p>5 votes? So there was no record as to who put in the</p> <p>6 proxy votes?</p> <p>7 MR TSUI MOON COME: Yes. It was done on an anonymous basis.</p> <p>8 MR VICTOR DAWES: From certain evidence we heard that, be it</p> <p>9 the OC or the management office, there was nobody to</p> <p>10 check the signature of the proxy vote. In other words,</p> <p>11 they don't need to sign the proxy vote in the presence</p> <p>12 of any members from the OC or the management office; is</p> <p>13 that correct?</p> <p>14 MR TSUI MOON COME: Yes.</p> <p>15 MR VICTOR DAWES: The manner of handling this proxy vote, as</p> <p>16 you understand, were there any changes before and after</p> <p>17 you assumed office?</p> <p>18 MR TSUI MOON COME: It is the same.</p> <p>19 MR VICTOR DAWES: When did you start collecting the proxy</p> <p>20 vote? I know that there are regulations saying that no</p> <p>21 less than 48 hours. How is it in reality?</p> <p>22 MR TSUI MOON COME: Well, we will be calling for a members'</p> <p>23 meeting seven days ago. After that, we will announce</p> <p>24 the convention of AGM. At least there has to be 14 days</p> <p>25 of announcement period. The notice will be posted. And</p>	<p>1 MR VICTOR DAWES: You have mentioned that the day you</p> <p>2 attended the meeting you would verify the identity of</p> <p>3 the participants. How actually was it carried out, can</p> <p>4 you share with the Committee?</p> <p>5 MR TSUI MOON COME: When we convene the meeting, maybe one</p> <p>6 to two hours in advance we will start setting up a</p> <p>7 counter at the entrance. Every owner or the authorised</p> <p>8 person will register with their ID card, we will check</p> <p>9 the record. Maybe they are the owner of A101, then we</p> <p>10 will check the ID card and their name. Then we will</p> <p>11 give them the voting form in correspondence to the</p> <p>12 apartment. Same for the proxy vote. Let's say they</p> <p>13 have authorised a certain person living in a certain</p> <p>14 unit. We will also verify their name with their ID</p> <p>15 card.</p> <p>16 MR VICTOR DAWES: Ms Cheng Tsz Ying, she has also given her</p> <p>17 witness statement. She said every time we call an AGM</p> <p>18 there will be a checklist of authorisation. The</p> <p>19 document will be posted at the venue for the residents</p> <p>20 to view. When you were chairing the meeting did you</p> <p>21 follow this?</p> <p>22 MR TSUI MOON COME: Yes.</p> <p>23 MR VICTOR DAWES: On this form there will be showing all the</p> <p>24 representatives that are being authorised. They will</p> <p>25 only show the number of the units that are being</p>

Page 25	<p>1 authorised. May I refer you to G1-1/1070.</p> <p>2 In the evidence, this is the form that we're talking</p> <p>3 about. Is it the same as you remembered?</p> <p>4 MR TSUI MOON COME: Yes.</p> <p>5 MR VICTOR DAWES: As you understand, the authorised persons</p> <p>6 was never provided?</p> <p>7 MR TSUI MOON COME: Correct.</p> <p>8 MR VICTOR DAWES: The attending participants can see if</p> <p>9 their own unit had authorised others to vote. At the</p> <p>10 hearing, some residents also mentioned or accused that</p> <p>11 some residents, without their knowing, they have</p> <p>12 authorised somebody else. Actually, in the bundle we</p> <p>13 can find similar complaint. In the same bundle,</p> <p>14 page 679, I would like to give you an example. In</p> <p>15 bundle G1-1, page 679.</p> <p>16 This is a letter dated 17 March 2024. It is an</p> <p>17 email of complaint. It seems that this particular</p> <p>18 resident has outlined these events to different</p> <p>19 departments. In paragraph 3, can you see that some</p> <p>20 owner stated that at the beginning of the meeting it was</p> <p>21 announced that around 290 owners have attended the</p> <p>22 meeting. However, half an hour later, we see a surge of</p> <p>23 number in vote. Although they are proxy vote, the</p> <p>24 residents who were shown on the list denied the fact</p> <p>25 that they had authorised someone.</p>	Page 27
Page 26	<p>1 I trust it is not the first time you heard of it?</p> <p>2 MR TSUI MOON COME: Correct.</p> <p>3 MR VICTOR DAWES: Regarding this, do you have any</p> <p>4 information to provide to the Committee? Did you look</p> <p>5 into this matter? Is it true? Did anyone complain to</p> <p>6 you and did you follow up?</p> <p>7 MR TSUI MOON COME: After I assumed office, I have not heard</p> <p>8 of this kind of problems since we assumed office.</p> <p>9 Before we assumed office, we heard of it very often. It</p> <p>10 is quite difficult for us to verify because residents</p> <p>11 were unable to witness the whole operation. It is hard</p> <p>12 to verify.</p> <p>13 MR VICTOR DAWES: In other words, you have heard of that,</p> <p>14 but since you assumed office, you have not heard of such</p> <p>15 complaints, therefore, you did not look back and</p> <p>16 investigate; is that correct?</p> <p>17 MR TSUI MOON COME: Yes.</p> <p>18 MR VICTOR DAWES: There was another saying: residents accuse</p> <p>19 that there are people going out lobbying residents to</p> <p>20 give out proxy votes, especially the elderly. Have you</p> <p>21 heard of this allegation?</p> <p>22 MR TSUI MOON COME: Yes, I have heard of it all along.</p> <p>23 MR VICTOR DAWES: Do you have any useful evidence to provide</p> <p>24 to us?</p> <p>25 MR TSUI MOON COME: I do not have any evidence because it</p>	Page 28
	<p>1 was not from me, but I have heard of this complaint from</p> <p>2 other residents. I heard that people would talk to the</p> <p>3 elderly and ask for a proxy vote.</p> <p>4 MR VICTOR DAWES: After you became the chairman or even when</p> <p>5 you were a committee member, people would talk about</p> <p>6 this to you. Can you share with us, regarding these</p> <p>7 allegations, who were going out to convince others? Do</p> <p>8 you have any substantial information that you can</p> <p>9 provide?</p> <p>10 MR TSUI MOON COME: Can I share what I just heard? I was</p> <p>11 just hearing it from others.</p> <p>12 MR VICTOR DAWES: If you don't think it is a factual</p> <p>13 evidence, you can judge whether or not it is useful.</p> <p>14 MR TSUI MOON COME: I can tell you what I heard. Because</p> <p>15 I don't have evidence, I can only state what I heard.</p> <p>16 MR VICTOR DAWES: Allow me to assist you. There was one</p> <p>17 allegation, as we can read here. At the meeting,</p> <p>18 suddenly there was a surge of votes showing up at the</p> <p>19 meeting. When Ms Cheng gave her evidence, she said that</p> <p>20 it could be a misunderstanding because they count votes</p> <p>21 with a computer system. Maybe at certain stage, after</p> <p>22 they have collected certain number of votes, they will</p> <p>23 start counting the votes with the computer system.</p> <p>24 That's why people would feel that all of a sudden there</p> <p>25 was a surge of votes. Can you confirm this saying? Do</p>	

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<p>1 MR VICTOR DAWES: Can you tell the Committee, according to</p> <p>2 what you heard, who were going out there to get the</p> <p>3 proxy vote?</p> <p>4 MR TSUI MOON COME: From what I heard, it is some district</p> <p>5 councillors or members of the OC, they went out to lobby</p> <p>6 others.</p> <p>7 MR VICTOR DAWES: You have to be more comprehensive. When</p> <p>8 you first heard of it, did you follow up? Did you</p> <p>9 verify these allegations? If you didn't, why not?</p> <p>10 MR TSUI MOON COME: At the meeting on 6 September, I did</p> <p>11 follow up the issues of proxy vote. I did not follow up</p> <p>12 before that meeting.</p> <p>13 MR VICTOR DAWES: You said you followed up on this issue at</p> <p>14 the meeting regarding the proxy vote. How did you</p> <p>15 follow up?</p> <p>16 MR TSUI MOON COME: It was not up to me to chair the</p> <p>17 meeting, the meeting on 6 September. It was the</p> <p>18 previous board. We were seeking to dissolve the board.</p> <p>19 At that meeting, people believed that there were members</p> <p>20 of the OC who gave out sponsorship. So there was</p> <p>21 a complaint saying that you should not be doing that</p> <p>22 because the booth on the street claimed to help people</p> <p>23 to apply for subsidy.</p> <p>24 MR VICTOR DAWES: Let us be more candid. Were you here</p> <p>25 yesterday?</p>	<p>1 concerning the OC when you became a member?</p> <p>2 MR TSUI MOON COME: Yes.</p> <p>3 MR VICTOR DAWES: It was concerning some disputes after PC&E</p> <p>4 being assigned?</p> <p>5 MR TSUI MOON COME: Correct.</p> <p>6 MR VICTOR DAWES: There were some complaints in June 2024,</p> <p>7 from G1-1, page 721, at the bottom, on 5 June, there was</p> <p>8 a letter to Home Affairs Department. Let's go to the</p> <p>9 next page.</p> <p>10 The complaint concerns fundraising activity. There</p> <p>11 is a list here. Beneath that, the date of raising fund</p> <p>12 was not being approved through a resolution of an AGM.</p> <p>13 According to the OC, the repairs work would be done in</p> <p>14 a phased manner and it takes some years. Why do we have</p> <p>15 to pay all the funds within seven months? I think you</p> <p>16 have heard of that and that is one of the reasons why</p> <p>17 you stepped up?</p> <p>18 MR TSUI MOON COME: Yes.</p> <p>19 MR VICTOR DAWES: Complaint of the same kind has been</p> <p>20 reflected to the property management company?</p> <p>21 MR TSUI MOON COME: Yes.</p> <p>22 MR VICTOR DAWES: Let's go to page 728. There were similar</p> <p>23 complaints. Simply put, Q&A numbers 2 to 4 cover</p> <p>24 similar kind of complaint. Did you start concerning</p> <p>25 about these issues when you were asked to pay?</p>
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<p>1 MR TSUI MOON COME: Yes.</p> <p>2 MR VICTOR DAWES: Yesterday there was an allegation accusing</p> <p>3 that district councillor Ms Wong Pik Kiu asked the</p> <p>4 elderly to fill in forms saying that it is to apply</p> <p>5 subsidy, and she gained proxy vote in this way. Have</p> <p>6 you heard this?</p> <p>7 MR TSUI MOON COME: Yes.</p> <p>8 MR VICTOR DAWES: Who gave you this allegation? Was it the</p> <p>9 person being asked to give up proxy vote, or was it some</p> <p>10 other resident? Can you help us on this?</p> <p>11 MR TSUI MOON COME: Let me dive deeper. One particular</p> <p>12 resident had visited that booth on the street so that</p> <p>13 resident had listened to what had been said. That</p> <p>14 resident then came back and repeated what he heard.</p> <p>15 MR VICTOR DAWES: What did he repeat?</p> <p>16 MR TSUI MOON COME: When they filled in the application</p> <p>17 form, Ms Wong, district councillor, asked her not to</p> <p>18 unseat the OC.</p> <p>19 MR VICTOR DAWES: I will ask you in a chronological manner.</p> <p>20 From your evidence, basically you are talking about the</p> <p>21 same incident, the same incident that we heard of</p> <p>22 yesterday?</p> <p>23 MR TSUI MOON COME: Yes, largely the same.</p> <p>24 MR VICTOR DAWES: I can ask you about some issues that you</p> <p>25 did take care of. You started tackling issues</p>	<p>1 MR TSUI MOON COME: Yes.</p> <p>2 MR VICTOR DAWES: In other words, in June 2024, back then</p> <p>3 you understood that you had to pay and maintenance works</p> <p>4 will be done in phases.</p> <p>5 MR TSUI MOON COME: Correct.</p> <p>6 MR VICTOR DAWES: I want to understand a related issue.</p> <p>7 Regarding the major maintenance work, had people been</p> <p>8 considering covering all eight blocks at the same time?</p> <p>9 Now people are saying that we do it in this manner, the</p> <p>10 level of risk will be enhanced, and that is also what</p> <p>11 happened.</p> <p>12 Feel free to drink.</p> <p>13 MR TSUI MOON COME: My apologies. I can go on.</p> <p>14 MR VICTOR DAWES: Let's look at the development of the</p> <p>15 incident. You are familiar with the contractual terms</p> <p>16 with PC&E. Let's go to F1, page 33, item number 5 in</p> <p>17 the contract, paragraph (b). The date of work</p> <p>18 commencement will have to wait until the consultant</p> <p>19 issues the document, and after verification the date</p> <p>20 will be the formal day of work commencement.</p> <p>21 May I refer you to paragraph (c). Here it says the</p> <p>22 contractor must -- counting from the date of the</p> <p>23 commencement date, and then it says a COT --</p> <p>24 page COT/017 stated workdays.</p> <p>25 If we refer to COT/017, that is page 41. Bottom</p>

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<p>1 right, it says COT/017.</p> <p>2 Now look up. You see the commencement date and the</p> <p>3 completion date. It says here that -- the characters in</p> <p>4 bold -- there are three phases, 1, 2 and 3. The actual</p> <p>5 situation is to be decided by the OC.</p> <p>6 You referred to the record and found out about that</p> <p>7 afterwards?</p> <p>8 MR TSUI MOON COME: Mm-hmm.</p> <p>9 MR VICTOR DAWES: So it's expected that the work will be</p> <p>10 conducted in three phases; right?</p> <p>11 MR TSUI MOON COME: That's so stated.</p> <p>12 MR VICTOR DAWES: Before you became the chairperson of the</p> <p>13 OC, were you aware of this?</p> <p>14 MR TSUI MOON COME: No.</p> <p>15 MR VICTOR DAWES: And then in May it was still the case that</p> <p>16 it would be done in three phases. I would like to ask</p> <p>17 you about the change. H3, page 6126. This is a works</p> <p>18 committee meeting minutes dated 9 May. This was</p> <p>19 arranged by the old management committee. Could</p> <p>20 residents participate?</p> <p>21 MR TSUI MOON COME: I did not know.</p> <p>22 MR VICTOR DAWES: That means you did not try to participate</p> <p>23 in the meeting. I want to ask about what you learned</p> <p>24 afterwards. Let's go to item 1.2. It says here that</p> <p>25 under the first phase, Wang Cheong, Wang Shing, Wang</p>	<p>1 overlapping.</p> <p>2 MR TSUI MOON COME: Yes.</p> <p>3 MR VICTOR DAWES: I ask you the question because your</p> <p>4 written reply to us, in WS3/1660, under paragraph 19 and</p> <p>5 the subparagraph under it, you mentioned in the</p> <p>6 beginning of September 2024 there was a works meeting.</p> <p>7 You said that the new management committee asked whether</p> <p>8 it was possible to start the next phase when the earlier</p> <p>9 phase had been completed. Prestige indicated that that</p> <p>10 was something that was agreed by the last management</p> <p>11 committee, and if it was to be changed, there would be</p> <p>12 delay. You had a discussion with them and that's the</p> <p>13 reply you got?</p> <p>14 MR TSUI MOON COME: Yes, we tried. We tried to do it phase</p> <p>15 by phase.</p> <p>16 MR VICTOR DAWES: And it's also said that if the works were</p> <p>17 to be done phase by phase there were also issues in</p> <p>18 relation to the performance bond as well as insurance?</p> <p>19 MR TSUI MOON COME: Well, it was not recorded before that</p> <p>20 day.</p> <p>21 MR VICTOR DAWES: But it was done verbally?</p> <p>22 MR TSUI MOON COME: Right.</p> <p>23 MR VICTOR DAWES: When a discussion was done with them, of</p> <p>24 course the reply boils down to money and what your</p> <p>25 concern was, safety. At that time, Prestige or</p>
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<p>1 Chi; second phase, Wang Tai, Wang Kin, Wang Sun; third</p> <p>2 phase, Wang Tao, Wang Yan. So in the end that's what</p> <p>3 was decided; right?</p> <p>4 MR TSUI MOON COME: Right. Hang on. Let me read it very</p> <p>5 carefully.</p> <p>6 Yes, that's right.</p> <p>7 MR VICTOR DAWES: Here's what it says, that the works would</p> <p>8 be done in three phases. But that was maybe just the</p> <p>9 sequence of erecting scaffoldings. We know in the end</p> <p>10 that all eight blocks were covered in scaffolding, so</p> <p>11 this here might be referring just about the sequence of</p> <p>12 scaffolding erection.</p> <p>13 MR TSUI MOON COME: Yes.</p> <p>14 MR VICTOR DAWES: Let's look at what happened on</p> <p>15 17 July 2024. Please refer to F1, page 235. Here's</p> <p>16 a PowerPoint. It was prepared by Prestige for a works</p> <p>17 briefing. Were you involved on 17 July 2024?</p> <p>18 MR TSUI MOON COME: No.</p> <p>19 MR VICTOR DAWES: F1/237. That's still the same. At that</p> <p>20 time you did not know about this plan; right?</p> <p>21 MR TSUI MOON COME: It's not the case that I did not know.</p> <p>22 It's just that I personally did not pay attention to the</p> <p>23 works schedule, not at that time.</p> <p>24 MR VICTOR DAWES: It may say that it would be done in</p> <p>25 phases, but the majority of the time there was an</p>	<p>1 Will Power, in relation to covering all eight blocks</p> <p>2 with scaffolding, did they express any concern,</p> <p>3 especially in relation to fire safety?</p> <p>4 MR TSUI MOON COME: Your question was about Prestige?</p> <p>5 MR VICTOR DAWES: Answer me, please.</p> <p>6 MR TSUI MOON COME: You mean concerns from Prestige or from</p> <p>7 us?</p> <p>8 MR VICTOR DAWES: You told them about your concern.</p> <p>9 MR TSUI MOON COME: Right.</p> <p>10 MR VICTOR DAWES: To not do it in one go covering eight</p> <p>11 blocks because of risks, what was the reply you</p> <p>12 received?</p> <p>13 MR TSUI MOON COME: At the time --</p> <p>14 MR VICTOR DAWES: They told you about money?</p> <p>15 MR TSUI MOON COME: Right.</p> <p>16 MR VICTOR DAWES: Apart from that?</p> <p>17 MR TSUI MOON COME: Apart from money, not really anything</p> <p>18 else. They talked about workers, the arrangements of</p> <p>19 scaffolding workers. They said that the workers were</p> <p>20 quite skilled in relation to scaffolding, and if it's</p> <p>21 done phase by phase, then there's no guarantee that the</p> <p>22 same batch would be engaged because the batch they have</p> <p>23 were quite skilled.</p> <p>24 MR VICTOR DAWES: That's not the reason for doing all eight</p> <p>25 blocks in one go because engaging them later, they might</p>

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<p>1 be also skilled ones.</p> <p>2 MR TSUI MOON COME: They said that they might not be able to</p> <p>3 engage the same group.</p> <p>4 MR VICTOR DAWES: They told you that the older OC agreed to</p> <p>5 do eight blocks in one go. Did you check the record?</p> <p>6 MR TSUI MOON COME: I did not check the record, but the</p> <p>7 master plan had already been issued by then.</p> <p>8 MR VICTOR DAWES: If we refer to the contract and the</p> <p>9 relevant PowerPoint, indeed initially the works were to</p> <p>10 be done by phases; right? Then why did you not use it</p> <p>11 to rebut him?</p> <p>12 MR TSUI MOON COME: Perhaps we did not carry out a detailed</p> <p>13 analysis, that there was a difference between that kind</p> <p>14 of work done by phases and this kind of -- done by</p> <p>15 phases.</p> <p>16 MR VICTOR DAWES: So you say you did not look into it in</p> <p>17 detail as to the definition of work done by phases, it</p> <p>18 means that you did not think too deep about that; right?</p> <p>19 MR TSUI MOON COME: Right.</p> <p>20 MR VICTOR DAWES: I'm not criticising your practice. Of</p> <p>21 course with hindsight we may see things differently, but</p> <p>22 can I put it this way: they did not address your</p> <p>23 concern; right?</p> <p>24 MR TSUI MOON COME: Right.</p> <p>25 MR VICTOR DAWES: So it was left at that; right?</p>	<p>1 tiles and some residents said it would be better to use</p> <p>2 this type of tiles. After we had taken office, what we</p> <p>3 could do was to seek legal advice, that is, whether it</p> <p>4 was possible to allow the switch.</p> <p>5 The second thing was whether there was any change in</p> <p>6 price with this switch. This issue was contentious. In</p> <p>7 relation to what residents would choose, we called</p> <p>8 a meeting to put this issue to a vote.</p> <p>9 MR VICTOR DAWES: You have consulted residents and there was</p> <p>10 a vote and a decision was made?</p> <p>11 MR TSUI MOON COME: Yes.</p> <p>12 MR VICTOR DAWES: That was 5 October; right?</p> <p>13 MR TSUI MOON COME: Yes.</p> <p>14 MR VICTOR DAWES: We know that this has been dealt with.</p> <p>15 Record is in G1-2, page 1520. We will not look at that.</p> <p>16 The next topic is about your being elected as</p> <p>17 chairperson.</p> <p>18 THE HON MR JUSTICE DAVID LOK: Let's take a break of</p> <p>19 15 minutes.</p> <p>20 (11.11 am)</p> <p>21 (A short adjournment)</p> <p>22 (11.27 am)</p> <p>23 THE HON MR JUSTICE DAVID LOK: Please continue.</p> <p>24 MR VICTOR DAWES: Mr Tsui, in February 2024, no less than</p> <p>25 5 per cent of the residents asked for a owners' meeting</p>
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<p>1 MR TSUI MOON COME: But in the end we could not get what we</p> <p>2 wanted. They wanted to start the scaffolding erection</p> <p>3 early and we stopped that.</p> <p>4 MR VICTOR DAWES: Another matter is the materials to be used</p> <p>5 on the facade; that is very important and it's been</p> <p>6 covered.</p> <p>7 MR TSUI MOON COME: Right.</p> <p>8 MR VICTOR DAWES: Let's go to G1-1, page 796, paragraph 5.</p> <p>9 Just read it and then I'll ask you the question.</p> <p>10 Paragraph 5.</p> <p>11 MR TSUI MOON COME: Yes. Yes, that the issue of tiles and</p> <p>12 mosaic tiles.</p> <p>13 MR VICTOR DAWES: It seems that the complaint was that the</p> <p>14 contractor did not give any quotation and switch to</p> <p>15 tiles instead of mosaic tiles. We know that in the end</p> <p>16 mosaic tiles were used in accordance with the contract.</p> <p>17 MR TSUI MOON COME: Correct.</p> <p>18 MR VICTOR DAWES: Can you tell us about the controversy</p> <p>19 involving the switch to tiles?</p> <p>20 MR TSUI MOON COME: I remember in around July the former</p> <p>21 management committee mentioned the choices. At that</p> <p>22 time they said residents told them that they want to</p> <p>23 switch to a different type of tiles. When we took</p> <p>24 office, it was said that ICU had already been consulted</p> <p>25 about the possibility of switching mosaic tiles with</p>	<p>1 to be held but then the last chair, Mr Tang, did not</p> <p>2 convene the meeting within 14 days. We know that HAD</p> <p>3 issued a letter advising him to convene a meeting. That</p> <p>4 letter was in G1-1/1312.</p> <p>5 That was about the signature of 5 per cent of</p> <p>6 residents. Did you participate in this exercise?</p> <p>7 MR TSUI MOON COME: No, I didn't.</p> <p>8 MR VICTOR DAWES: On 25 May 2024, that was when the AGM was</p> <p>9 held, most of the old MC members got re-elected. It</p> <p>10 seems that a lot of residents were unhappy with him;</p> <p>11 still he stayed on the post. Do you know why? Is it</p> <p>12 because not so many people were dissatisfied with him or</p> <p>13 was it because of some other reasons?</p> <p>14 MR TSUI MOON COME: I started taking part in all this since</p> <p>15 2017. I knew some residents like Mrs Lee. Every time</p> <p>16 it was because we didn't have enough proxy votes, not</p> <p>17 more than theirs, that's why. Maybe the proxy votes</p> <p>18 were all for the old MC. And we didn't know where the</p> <p>19 proxy votes came from. Ultimately, these were the</p> <p>20 results.</p> <p>21 MR VICTOR DAWES: The proxy vote in itself is not a problem</p> <p>22 because you also hold some proxy votes. The mechanism</p> <p>23 can be improved, but what matters most is whether the</p> <p>24 proxy appointors really appoint the proxy holders. We</p> <p>25 received a letter saying that people did not appoint</p>

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<p>1 proxies, but they were falsified proxy votes.</p> <p>2 MR TSUI MOON COME: For my term starting 6 September, we</p> <p>3 staged a street booth in the central park. We sought</p> <p>4 support from residents who shared our ideas and we gave</p> <p>5 them a proxy paper.</p> <p>6 MR VICTOR DAWES: So you also staged a street booth asking</p> <p>7 for residents to give you the proxy vote. I'm not</p> <p>8 saying that this was wrong, I just want to explain the</p> <p>9 facts.</p> <p>10 MR TSUI MOON COME: Yes, that's what happened. What we</p> <p>11 asked for is that the residents could take part in the</p> <p>12 owners' meeting, attend the meeting themselves to vote.</p> <p>13 MR VICTOR DAWES: On 6 September, the dissolution of the old</p> <p>14 MC was endorsed. Let's take a look page 1516, G1-2.</p> <p>15 Let's look at resolution number 2. The dissolution was</p> <p>16 endorsed. Let's look at 3.2. We see your name. There</p> <p>17 were 14 of you who got elected.</p> <p>18 Did someone dispute the collection of proxy votes at</p> <p>19 that meeting too?</p> <p>20 MR TSUI MOON COME: Yes. We weren't sure where some of the</p> <p>21 proxy votes came from.</p> <p>22 MR VICTOR DAWES: Let's look at G1-1, page 841. Move</p> <p>23 downwards, please. Paragraph 4.</p> <p>24 In the past two weeks, district councillor, together</p> <p>25 with the MC members, in the name of helping residents to</p>	<p>1 his/her mother was forced by Ms Wong to give the latter</p> <p>2 a proxy vote and the signature of member Mak was</p> <p>3 falsified and he was very angry.</p> <p>4 MR VICTOR DAWES: You said about the falsification of</p> <p>5 signature.</p> <p>6 MR TSUI MOON COME: Falsification of signature. It's not no</p> <p>7 signature. It's a falsification of signature.</p> <p>8 MR VICTOR DAWES: So I asked you to give you a proxy vote</p> <p>9 and I falsified your signature. These are two separate</p> <p>10 matters. Can you be clearer on this point?</p> <p>11 MR TSUI MOON COME: Maybe I got a bit mixed up. The</p> <p>12 situation is this: he/she signed this proxy vote and</p> <p>13 then the proxy holder could be anyone. The incident was</p> <p>14 also reported to the media but nothing transpired out of</p> <p>15 that afterwards.</p> <p>16 MR VICTOR DAWES: There were accusations against Ms Peggy</p> <p>17 Wong at the evidential hearing and she did reply to our</p> <p>18 enquiries. Let me show you her response. WS10,</p> <p>19 page 2006. Let's move a bit up, page 2004. This was</p> <p>20 answers to requests for information from the Committee.</p> <p>21 What we are concerned about is on page 2006. Let's move</p> <p>22 a bit downwards. Paragraph 16. She said to assist the</p> <p>23 Committee to investigate -- she has collected proxy</p> <p>24 votes during two meetings; she admitted that.</p> <p>25 Let's take a look at points (c) and (d). On</p>
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<p>1 get fund subsidy of \$50,000 to \$80,000, to have some</p> <p>2 misleading accusations.</p> <p>3 So you saw that?</p> <p>4 MR TSUI MOON COME: That was a letter written by myself.</p> <p>5 MR VICTOR DAWES: That was a reply.</p> <p>6 MR TSUI MOON COME: Correct.</p> <p>7 MR VICTOR DAWES: Let's move downwards to see what was</p> <p>8 written. There was a direct accusation saying that</p> <p>9 a district councillor with the surname of Ms Wong posted</p> <p>10 a message on her Facebook in support of the present MC.</p> <p>11 You also made the accusation yourself.</p> <p>12 MR TSUI MOON COME: I was dealing with this accusation in</p> <p>13 relation to the 6 September meeting.</p> <p>14 MR VICTOR DAWES: Let me give you this opportunity to</p> <p>15 clarify. Some resident told you about this?</p> <p>16 MR TSUI MOON COME: Yes.</p> <p>17 MR VICTOR DAWES: Is there any other information you want to</p> <p>18 share with us on this complaint?</p> <p>19 MR TSUI MOON COME: When we tried to come up with</p> <p>20 the composition of the current MC, a member surnamed Mak</p> <p>21 had the same experience, and that Ms Wong, the district</p> <p>22 councillor, was trying to ask for a proxy vote from him.</p> <p>23 Why did this member want to join the MC? No one was</p> <p>24 willing to work as an MC member. But then the member</p> <p>25 surnamed Mak said that he/she had an experience in 2021:</p>	<p>1 6 September she got in touch with some residents, around</p> <p>2 20 households, and she filled out the names of them on</p> <p>3 proxy votes. That meeting was also on the dissolution</p> <p>4 of the MC. Some residents didn't want to do that so</p> <p>5 they gave her the proxy votes.</p> <p>6 "We would not support the dissolution". She didn't</p> <p>7 have any personal gains. Is this what you understand?</p> <p>8 MR TSUI MOON COME: I am not sure whether she has any</p> <p>9 personal gains, but she did collect proxy votes.</p> <p>10 MR VICTOR DAWES: She agreed to that as well.</p> <p>11 Do you have any information which is in conflict</p> <p>12 with what she explained here? Do you have any further</p> <p>13 information to assist us?</p> <p>14 MR TSUI MOON COME: I think we disagreed with her approach,</p> <p>15 so I wrote a letter to Ms Mak, the secretary, and said</p> <p>16 that the district councillors should not interfere in</p> <p>17 residents' voting exercise.</p> <p>18 MR VICTOR DAWES: We saw that the district office of the</p> <p>19 Tai Po District Office had a report on this, which is on</p> <p>20 page 1043. Let's take a look. That was on 6 September.</p> <p>21 Let's take a look at the next page.</p> <p>22 Paragraph 3, it said that the care teams sent some</p> <p>23 staff to help with the convening of the meetings and the</p> <p>24 Owners' Corporation invited a number of district</p> <p>25 councillors to attend the meeting, including Ms Peggy</p>

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<p>1 Wong.</p> <p>2 You know that they were there?</p> <p>3 MR TSUI MOON COME: You talked about 30 members from the</p> <p>4 care teams, I'm not sure about that.</p> <p>5 MR VICTOR DAWES: Many pro-establishment camp district</p> <p>6 councillors attended; do you remember that?</p> <p>7 MR TSUI MOON COME: I can't remember the exact name.</p> <p>8 Ms Wong Pik Kiu, Mui Siu Fung, Lo Hiu Fung, and there</p> <p>9 were district councillors whom I did not know were</p> <p>10 there. They were just sitting in at the meeting.</p> <p>11 MR VICTOR DAWES: According to your observation, did their</p> <p>12 presence carry any functions?</p> <p>13 MR TSUI MOON COME: Not exactly. Just a witness. I'm not</p> <p>14 sure.</p> <p>15 MR VICTOR DAWES: So after you assumed office, after the new</p> <p>16 board assumed office, when you convened meeting, did you</p> <p>17 invite them?</p> <p>18 MR TSUI MOON COME: We invited Ms Peggy, Mui Siu Fung and Lo</p> <p>19 Hiu Fung.</p> <p>20 MR VICTOR DAWES: Regarding the invitation of their joining</p> <p>21 the meeting, both the new and old board did the same</p> <p>22 thing. Your complaint is simply against the collection</p> <p>23 of proxy vote; correct?</p> <p>24 MR TSUI MOON COME: Yes.</p> <p>25 MR VICTOR DAWES: Why did you invite them? If they're just</p>	<p>1 still intervening. Not directly, but they are still in</p> <p>2 contact.</p> <p>3 MR VICTOR DAWES: From evidence there are still WhatsApp</p> <p>4 group that discuss about the major maintenance work.</p> <p>5 MR TSUI MOON COME: In this regard, allow me to share that</p> <p>6 from residents I learned that they have an old WhatsApp</p> <p>7 number. They use that WhatsApp number as</p> <p>8 a communication channel between the management office.</p> <p>9 They have taken it back. They cut that number so we</p> <p>10 started a new one. In that WhatsApp group, they have</p> <p>11 used the old number to start another group to have their</p> <p>12 own discussion.</p> <p>13 MR VICTOR DAWES: After you assumed office, I want to</p> <p>14 discuss what happened next.</p> <p>15 After you set up the management committee, you did</p> <p>16 take care of the issues of constructions safety. In</p> <p>17 paragraph 41, as you assumed office, you have</p> <p>18 established certain construction working group to follow</p> <p>19 up on the issues concerning major maintenance work?</p> <p>20 MR TSUI MOON COME: Right.</p> <p>21 MR VICTOR DAWES: With Mak Chi Hung, Kong Cheung Fat, you</p> <p>22 were all members of those groups?</p> <p>23 MR TSUI MOON COME: Yes, also the secretary.</p> <p>24 MR VICTOR DAWES: According to you, after the establishment</p> <p>25 of the new management committee, you tried to strengthen</p>
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<p>1 sitting here, why did you invite them? What were their</p> <p>2 functions?</p> <p>3 MR TSUI MOON COME: Every time we convene meetings, it is</p> <p>4 the management property office who implement or carry</p> <p>5 out the meetings. It is their habit to invite guests,</p> <p>6 members from the URA or the Home Affairs Department.</p> <p>7 They have a certain list. We just follow the list.</p> <p>8 Sometimes they can be our scrutineer as well, they will</p> <p>9 help us to count the vote.</p> <p>10 MR VICTOR DAWES: We have mentioned about the allegations</p> <p>11 against her and we also read the reply. It seems that</p> <p>12 you have explained what were you upset about how she</p> <p>13 handled it.</p> <p>14 Another question: when the new board assumed office,</p> <p>15 were there any handover between the old and the new</p> <p>16 board? Did they hand over all the documents to you?</p> <p>17 MR TSUI MOON COME: No, absolutely not.</p> <p>18 MR VICTOR DAWES: After you dissolved the old board, can</p> <p>19 I say that your relationship with them is not that well?</p> <p>20 MR TSUI MOON COME: Our relationship is not that well.</p> <p>21 There is still a dispute between the two.</p> <p>22 MR VICTOR DAWES: I have a question for you. After their</p> <p>23 being unseated, were they still involved in the major</p> <p>24 maintenance projects?</p> <p>25 MR TSUI MOON COME: I'm not sure if you can say they're</p>	<p>1 your communications with the residents and enhance</p> <p>2 transparencies. You also convened a number of exchange</p> <p>3 sessions.</p> <p>4 MR TSUI MOON COME: Correct.</p> <p>5 MR VICTOR DAWES: In paragraph 55 of your witness statement</p> <p>6 you said at least 44 exchange sessions.</p> <p>7 MR TSUI MOON COME: Mmm.</p> <p>8 MR VICTOR DAWES: Did you participate in the majority of</p> <p>9 them?</p> <p>10 MR TSUI MOON COME: Well, by 44 sessions, I mean including</p> <p>11 the explanation sessions and the construction meetings,</p> <p>12 I joined most of them.</p> <p>13 MR VICTOR DAWES: Since the new board assumed office on</p> <p>14 6 September, right on the next day you started</p> <p>15 a WhatsApp group to communicate with PC&E and</p> <p>16 Will Power. It is called "Wang Fuk Court major</p> <p>17 maintenance work group".</p> <p>18 MR TSUI MOON COME: Correct.</p> <p>19 MR VICTOR DAWES: The new board also provided this WhatsApp</p> <p>20 group's information to us. The whole bundle F4 is</p> <p>21 information from that group. Let's go to bundle F4.</p> <p>22 If we scroll down, you shall see that these are some</p> <p>23 extracts from the WhatsApp group.</p> <p>24 MR TSUI MOON COME: Yes, correct.</p> <p>25 MR VICTOR DAWES: How did you receive this record? With</p>

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1 which device you downloaded?
 2 MR TSUI MOON COME: The phone of our deputy chair, Mr Mak
 3 Chi Hung's phone.
 4 MR VICTOR DAWES: So from Mr Mak's phone you downloaded this
 5 record and bring it to us?
 6 MR TSUI MOON COME: Yes.
 7 MR VICTOR DAWES: Is it a complete record?
 8 MR TSUI MOON COME: It is a complete record. I simply
 9 clicked "Export" and exported the chat history.
 10 MR VICTOR DAWES: You didn't amend anything?
 11 MR TSUI MOON COME: I didn't.
 12 MR VICTOR DAWES: I want to ask another question to show
 13 what happened next. After you assumed office your
 14 concerns about sealing the window with foam board;
 15 right?
 16 MR TSUI MOON COME: Yes.
 17 MR VICTOR DAWES: The first batch of materials were being
 18 dispatched early September 2024, that is soon after you
 19 assumed office?
 20 MR TSUI MOON COME: Yes.
 21 MR VICTOR DAWES: It is actually more or less around
 22 6 September; it was on the same day when you assumed
 23 office.
 24 In the WhatsApp group, on 9 September, in the
 25 afternoon at 12.08, there were two draft notices by

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1 PC&E. It says that in blocks G and H they would start
 2 to apply the window sealing protective materials work.
 3 F4/1016. There are certain PDF files. We are unable to
 4 read the attachments but it has been delivered to this
 5 group?
 6 MR TSUI MOON COME: Correct.
 7 MR VICTOR DAWES: I believe you also remember what happened
 8 because the day that you convened meeting can be
 9 a reference point.
 10 MR TSUI MOON COME: Correct.
 11 MR VICTOR DAWES: Soon after the establishment of the new
 12 board, on 11 September, many have shared different views
 13 concerning the sealing of windows. May I refer you to
 14 page 1028. On 11 September, 2.04 pm, there was someone
 15 called Karen. She is a Chinese-language teacher. She
 16 has sent multiple messages. Can you tell us who she is?
 17 What's her name?
 18 MR TSUI MOON COME: She is one of our committee member.
 19 I do not remember her Chinese name. We can refer to her
 20 as Karen.
 21 MR VICTOR DAWES: Let's read her messages. She said:
 22 "They didn't uninstall the air-conditioner. In
 23 other words, they were not conducting works on all the
 24 external walls. Why would they be sealing all the
 25 windows at once? The contractor was just considering

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1 their own convenience, but not that of ours."
 2 Do you remember this discussion?
 3 MR TSUI MOON COME: Well, I remember as I review this
 4 record.
 5 MR VICTOR DAWES: Did you discuss about the options of not
 6 sealing the windows at once?
 7 MR TSUI MOON COME: Yes. They can seal the windows of one
 8 side or one -- blocks in certain areas and then blocks
 9 in other areas.
 10 MR VICTOR DAWES: Did you look into this possibility with
 11 PC&E and Will Power?
 12 MR TSUI MOON COME: I could not recall. We should have
 13 discussed it with them.
 14 MR VICTOR DAWES: The reason why we ask you this question is
 15 that -- one of the issues is that you were sealing all
 16 the windows all at once, therefore, there are a lot of
 17 foam board. If you are sealing certain areas of windows
 18 when you were conducting chiselling, then the period of
 19 time where the windows are sealed would be shorter.
 20 Regarding this, did you really look into it with PC&E
 21 and Will Power?
 22 MR TSUI MOON COME: We certainly have discussed about it.
 23 We asked them if we can just cover certain floors or
 24 certain sides of blocks first. They explained that
 25 during chiselling they might have to do the whole floor,

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1 especially the lower floors. They're worried that the
 2 debris might destroy the windows. Therefore, they had
 3 to seal the windows of all the floors. We did discuss.
 4 MR VICTOR DAWES: How about removing the foam board after
 5 chiselling work?
 6 MR TSUI MOON COME: It is impossible. In the procedures
 7 there is still an air-conditioner. There was one
 8 remaining in the same position. Chiselling work has not
 9 been done in that particular area so they have to repeat
 10 the procedure later on.
 11 Let's say there is one debris from the 30th floor
 12 and it hit on the 10th floor, let's say it hits on
 13 a certain bamboo and the scaffolding. It will be
 14 bounced back and cause destruction.
 15 MR VICTOR DAWES: So they hadn't finished the whole
 16 chiselling work. I know we are talking in retrospect,
 17 but have you considered, let's say you can separate the
 18 working areas according to the four directions -- north,
 19 east, south, west -- then the problems will not occur.
 20 MR TSUI MOON COME: You are correct. In retrospect there
 21 are a lot of other options. Back then, upon their
 22 explanations, we accepted. Because after chiselling,
 23 they will pave the mosaic tiles. When they finish
 24 chiselling on one side, pave the mosaic tiles and then
 25 cover another side of the building, we did not consider

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<p>1 that, and they did not offer this alternative.</p> <p>2 MR VICTOR DAWES: Perhaps you don't have enough knowledge</p> <p>3 concerning the working procedures to propose this</p> <p>4 alternative.</p> <p>5 MR TSUI MOON COME: Correct.</p> <p>6 MR VICTOR DAWES: On page 1039, Mr Ho in this maintenance</p> <p>7 work WhatsApp group, he sent a message. If we scroll</p> <p>8 down to 9:43:22, he said that:</p> <p>9 "We will seal the windows for six to eight months."</p> <p>10 Did you discuss the period of time; why did it have</p> <p>11 to be so long?</p> <p>12 MR TSUI MOON COME: I couldn't really remember. Simply put,</p> <p>13 after sealing the windows they have to pave the mosaic</p> <p>14 tiles and it takes quite a long time.</p> <p>15 MR VICTOR DAWES: They also discussed about the</p> <p>16 flame-retardant materials. Did they use such materials</p> <p>17 to seal the windows? You have discussed about it in</p> <p>18 this group?</p> <p>19 MR TSUI MOON COME: Yes.</p> <p>20 MR VICTOR DAWES: Page 1029. At 3.28 they said now they are</p> <p>21 putting up foam board, not aluminium composite panel, it</p> <p>22 is combustible. It has been mentioned in this group;</p> <p>23 can you see that?</p> <p>24 MR TSUI MOON COME: Yes.</p> <p>25 MR VICTOR DAWES: It is you who asked this?</p>	<p>1 MR VICTOR DAWES: Did you agree or disagree with what PC&E</p> <p>2 said? Did you question them? Did you argue with them?</p> <p>3 Was there a discussion?</p> <p>4 MR TSUI MOON COME: Right at the beginning, we were already</p> <p>5 concerned about the use of foam board. We asked</p> <p>6 consultants whether or not they can use foam board to</p> <p>7 seal the windows. The consultant said that naked flame</p> <p>8 was not used throughout the whole project. Our greatest</p> <p>9 concern was just cigarette butts, therefore they used</p> <p>10 cigarette butts to test, and the foam board was not</p> <p>11 combustible if it was in contact with a cigarette butt.</p> <p>12 MR VICTOR DAWES: You accepted this explanation?</p> <p>13 MR TSUI MOON COME: I did not accept this explanation. That</p> <p>14 is what they said. We still want to ask if they can</p> <p>15 consider using other materials.</p> <p>16 There was another kind of material, some hard</p> <p>17 corrugated plastic sheet. These kind of corrugated</p> <p>18 plastic sheets can be used for the chiselling work, they</p> <p>19 can apply such sheet at an interval of every five</p> <p>20 floors.</p> <p>21 MR VICTOR DAWES: We can see that in the subsequent WhatsApp</p> <p>22 group.</p> <p>23 MR TSUI MOON COME: We see that it is rather hard and</p> <p>24 stable. We used a lighter to test on it. I think the</p> <p>25 video has been submitted. We discovered it is</p>
Page 54	Page 56
<p>1 MR TSUI MOON COME: Yes, I asked him this question.</p> <p>2 MR VICTOR DAWES: You have mentioned this question earlier</p> <p>3 on?</p> <p>4 MR TSUI MOON COME: Correct.</p> <p>5 MR VICTOR DAWES: Why would you propose using aluminium</p> <p>6 composite panel?</p> <p>7 MR TSUI MOON COME: I was confused. I thought he said he</p> <p>8 would use aluminium composite panel to seal the windows.</p> <p>9 Later on, I discovered they are sealing the openings of</p> <p>10 the air conditioners, not to seal the windows.</p> <p>11 MR VICTOR DAWES: Did you ask why they couldn't they use</p> <p>12 aluminium composite panels to seal the windows?</p> <p>13 MR TSUI MOON COME: They said if you use foam board, they</p> <p>14 would be able to cut it on site.</p> <p>15 MR VICTOR DAWES: You did relay the concerns of the</p> <p>16 residents to PC&E in H1-3/6014. This is a meeting</p> <p>17 chaired by you soon after you assumed office.</p> <p>18 May I refer you to 19.1 and 19.2. You joined the</p> <p>19 meeting. The management committee said that you have</p> <p>20 received some video footage sent by the resident of</p> <p>21 burning certain foam board in paragraph 19.2 explained</p> <p>22 by PC&E they said with cigarette butts, it would not</p> <p>23 catch fire. If you use naked flame, that would be</p> <p>24 another case. That is how you understood it?</p> <p>25 MR TSUI MOON COME: Correct.</p>	<p>1 a flame-retardant material. That's why we asked if they</p> <p>2 can use the corrugated plastic sheet instead. They</p> <p>3 replied saying because this kind of sheet cannot be cut</p> <p>4 on site they will recycle it. After every five floors</p> <p>5 they would remove it and re-use the ready-cut corrugated</p> <p>6 plastic sheet. That is how they turned us down.</p> <p>7 MR VICTOR DAWES: It has been discussed in subsequent</p> <p>8 WhatsApp messages. In short, sometimes we discover such</p> <p>9 explanations are problematic because all the windows are</p> <p>10 of fixed size. They don't have to cut it on site, they</p> <p>11 can cut it beforehand. You cannot use the excuse of the</p> <p>12 cutting of it on site. It's not very convincing.</p> <p>13 MR TSUI MOON COME: I find it not very convincing now.</p> <p>14 MR VICTOR DAWES: They also claim that cigarette butts would</p> <p>15 not cause fire on the foam board. In other WhatsApp</p> <p>16 messages it said that if you use naked flame, it can</p> <p>17 burn both the scaffolding net as well as the bamboo</p> <p>18 scaffolding.</p> <p>19 MR TSUI MOON COME: They also talked about that on site.</p> <p>20 MR VICTOR DAWES: In other words, if they only say that</p> <p>21 cigarette butts cannot burn foam board, it should not be</p> <p>22 convincing enough because if the cigarette butt can burn</p> <p>23 other things then there will be naked flame.</p> <p>24 MR TSUI MOON COME: You can say that.</p> <p>25 MR VICTOR DAWES: But PC&E did not explain further and you</p>

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<p>1 accepted what they said?</p> <p>2 MR TSUI MOON COME: We did not accept what they said. We</p> <p>3 don't have other options.</p> <p>4 They are unwilling to replace by corrugated plastic</p> <p>5 sheets. They also explained that legally there is no</p> <p>6 requirement of using flame-retardant material to seal</p> <p>7 the windows. We find it is undesirable. We suggested</p> <p>8 them to ask FSD. You may refer to the related to</p> <p>9 WhatsApp messages. In September they said they have</p> <p>10 called FSD, they claim that they can use foam board.</p> <p>11 MR VICTOR DAWES: That is what PC&E said to you?</p> <p>12 MR TSUI MOON COME: Correct.</p> <p>13 MR VICTOR DAWES: To be fair, they are unwilling to replace</p> <p>14 foam board with corrugated plastic sheet, there is</p> <p>15 a record on it at 1056. Mr Ho at 1.28, he said that we</p> <p>16 have to wait until the second phase because the repairs</p> <p>17 work has been carrying out, the material has been</p> <p>18 dispatched on site. Even the corrugated plastic sheet</p> <p>19 can be burnt. With naked flame, if it caught fire, the</p> <p>20 fire will also spread.</p> <p>21 MR TSUI MOON COME: Right.</p> <p>22 MR VICTOR DAWES: In other words, his response was far from</p> <p>23 ideal. He said that corrugated plastic sheet can catch</p> <p>24 fire with naked flame. So would foam board?</p> <p>25 MR TSUI MOON COME: Correct.</p>	<p>1 MR TSUI MOON COME: Right.</p> <p>2 MR VICTOR DAWES: Can I put it this way. Adding the hollow</p> <p>3 board would not help because the foam board will still</p> <p>4 be there.</p> <p>5 MR TSUI MOON COME: Adding the hollow board, the purpose is</p> <p>6 to stop falling debris from breaking windows.</p> <p>7 MR VICTOR DAWES: But there's already a piece of foam board</p> <p>8 there.</p> <p>9 MR TSUI MOON COME: But when there's direct chiselling, the</p> <p>10 impact will be greater.</p> <p>11 MR VICTOR DAWES: They were concerned that the foam board</p> <p>12 would not be strong enough?</p> <p>13 MR TSUI MOON COME: Very, they were afraid that that might</p> <p>14 be enough. It's to be added once every five floors.</p> <p>15 MR VICTOR DAWES: We understand that the new MC conducted</p> <p>16 fire-resistance test on hollow board. Under</p> <p>17 paragraphs 74 to 75 you said that the result was it had</p> <p>18 better fire retardancy.</p> <p>19 MR TSUI MOON COME: Yes. We submitted a video. We tried to</p> <p>20 burn a corner of the board.</p> <p>21 MR VICTOR DAWES: We have seen a video during the opening</p> <p>22 submission.</p> <p>23 Yesterday we heard from two workers in charge of the</p> <p>24 chiselling. They said technically they agree that, yes,</p> <p>25 during chiselling, hollow board would be used and then</p>
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<p>1 MR VICTOR DAWES: But PC&E and Will Power persisted on using</p> <p>2 foam board?</p> <p>3 MR TSUI MOON COME: Correct.</p> <p>4 MR VICTOR DAWES: In paragraph 72 of your witness statement</p> <p>5 you said that the new management committee tried to</p> <p>6 question the main contractors and the contractors</p> <p>7 concerning these issues. These kind of temporary window</p> <p>8 sealing materials carry no certificates.</p> <p>9 Can you explain to us what are the different</p> <p>10 channels? Who did you ask?</p> <p>11 MR TSUI MOON COME: We are talking to Gordon Ho from PC&E.</p> <p>12 We tried to use corrugated plastic sheets and they</p> <p>13 refused. So we tried to look it up on the internet. We</p> <p>14 want to see if there are more flame-retardant foam</p> <p>15 board, so we showed them certain video footage. After</p> <p>16 showing them the video footage, we told them that there</p> <p>17 are some more flame-retardant foam board. We asked if</p> <p>18 they could replace it for us.</p> <p>19 MR VICTOR DAWES: Then the conversation in the message</p> <p>20 continues. In paragraph 76 you explain what they told</p> <p>21 you, that it was not viable to use hollow board because</p> <p>22 it could not be tailored on the site. And then you</p> <p>23 suggested about the chiselling -- the time of the</p> <p>24 chiselling, the hollow board and white foam board would</p> <p>25 be used at the same time for every five floors. Right?</p>	<p>1 later foam boards would be added. It was not suggested</p> <p>2 and there was no suggestion made to Prestige to use it.</p> <p>3 MR TSUI MOON COME: Right.</p> <p>4 MR VICTOR DAWES: The decision to use hollow board, foam</p> <p>5 board or any other kinds of fire-retardant materials,</p> <p>6 how long did that discussion last?</p> <p>7 MR TSUI MOON COME: All the way to the beginning of October.</p> <p>8 MR VICTOR DAWES: So there was a discussion from mid</p> <p>9 September. At early October, it could not be done so;</p> <p>10 you gave up?</p> <p>11 MR TSUI MOON COME: It's not the case. They found another</p> <p>12 batch of foam board with a higher fire retardancy.</p> <p>13 They would be used in phases 2 and 3.</p> <p>14 MR VICTOR DAWES: Yes. What I'd like to ask you is that in</p> <p>15 a discussion we found that there is a document submitted</p> <p>16 by Mr Wong Hap Yin. It's in relation to his view to the</p> <p>17 use of foam board. It was the evening of 13 September.</p> <p>18 It was sent in the middle of a contentious discussion.</p> <p>19 Let's look at O2/1154.</p> <p>20 At 22:31:51 there is an attachment; right? We can</p> <p>21 see the attachment in O2, page 1403. My question is a</p> <p>22 few days ago you submitted your witness statement. We</p> <p>23 looked at your WhatsApp records with Mr Kong Cheung Fat.</p> <p>24 We see if there's any difference. We found that the</p> <p>25 WhatsApp record you submitted did not contain the</p>

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<p>1 documents. I would like to show you the content to see</p> <p>2 if you actually said that.</p> <p>3 Here, under current rules and regulations, it's said</p> <p>4 there was no fixed rules that the materials have to be</p> <p>5 fire-retardant or fire-resistant. In general, when it</p> <p>6 comes to facade work on existing buildings, there will</p> <p>7 not be major fire risk. Can you see that?</p> <p>8 MR TSUI MOON COME: Right.</p> <p>9 MR VICTOR DAWES: You have read that at that time; right?</p> <p>10 MR TSUI MOON COME: Right.</p> <p>11 MR VICTOR DAWES: Did you find that reasonable? Did that</p> <p>12 convince the new MC?</p> <p>13 MR TSUI MOON COME: It's not a matter of whether it was</p> <p>14 reasonable or convincing or not. It was the explanation</p> <p>15 given. We thought that we could ask further questions</p> <p>16 of the FSD.</p> <p>17 MR VICTOR DAWES: You said further questions could be asked</p> <p>18 of the FSD. In the WhatsApp messages, someone</p> <p>19 mentioned about asking questions of the FSD. Who said</p> <p>20 that?</p> <p>21 MR TSUI MOON COME: I think it was Steven Choi.</p> <p>22 MR VICTOR DAWES: Who is it?</p> <p>23 MR TSUI MOON COME: He is one of the consultants of</p> <p>24 Will Power. He said that he had asked FSD.</p> <p>25 MR VICTOR DAWES: Can you remember the answer?</p>	<p>1 MR VICTOR DAWES: Well, you asked Will Power to send</p> <p>2 a letter in their name because that would be better;</p> <p>3 right?</p> <p>4 MR TSUI MOON COME: Right.</p> <p>5 MR VICTOR DAWES: But in the end that wasn't done?</p> <p>6 MR TSUI MOON COME: I don't think so.</p> <p>7 MR VICTOR DAWES: It seems that it wasn't done and there was</p> <p>8 no follow-up.</p> <p>9 MR TSUI MOON COME: In relation to the notice, that is</p> <p>10 correct.</p> <p>11 MR VICTOR DAWES: It means it was explained in a meeting?</p> <p>12 MR TSUI MOON COME: Right.</p> <p>13 MR VICTOR DAWES: Afterwards it seems that you did not</p> <p>14 question what Will Power said. You said that it was</p> <p>15 said to residents in a briefing session. I'm not</p> <p>16 challenging you as to whether that was said or not but</p> <p>17 it seems there was no record showing that.</p> <p>18 MR TSUI MOON COME: Right.</p> <p>19 MR VICTOR DAWES: At that time someone from the MC contacted</p> <p>20 the FSD, Mr Mak?</p> <p>21 MR TSUI MOON COME: Yes.</p> <p>22 MR VICTOR DAWES: It was done by email. Please refer to B6,</p> <p>23 page 4507. Did he talk to you before sending the email?</p> <p>24 MR TSUI MOON COME: Yes. That's why we were copied.</p> <p>25 MR VICTOR DAWES: You have seen this before it was sent?</p>
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<p>1 MR TSUI MOON COME: He said in relation to our request, he</p> <p>2 called the FSD. The FSD replied that there was no</p> <p>3 prohibition in the use of foam board to cover windows,</p> <p>4 but caution should be exercised if there would be any</p> <p>5 other interference.</p> <p>6 MR VICTOR DAWES: Let's cut it short. In other words, after</p> <p>7 hearing that from Will Power, you felt that there was no</p> <p>8 choice but to use foam board and that was what happened;</p> <p>9 right?</p> <p>10 MR TSUI MOON COME: Right.</p> <p>11 MR VICTOR DAWES: I'd like to ask why you did not follow up</p> <p>12 on a certain issue. Let's look at F4, page 1063,</p> <p>13 WhatsApp messages. At 5.52, this is a message from you.</p> <p>14 Here you said the main point was that when the</p> <p>15 notice was issued, then it would go into a loop, people</p> <p>16 would ask based on what that -- that approval was given</p> <p>17 to use this kind of foam board that is not</p> <p>18 fire resistant to cover windows. Hence you want written</p> <p>19 explanation from the consultancy why there was an</p> <p>20 acceptance to use non-fire-retardant materials.</p> <p>21 MR TSUI MOON COME: Correct.</p> <p>22 MR VICTOR DAWES: Did the MC tell residents that the</p> <p>23 material used was not fire-retardant?</p> <p>24 MR TSUI MOON COME: In the exchange sessions we mention it</p> <p>25 because questions were asked.</p>	<p>1 MR TSUI MOON COME: Right.</p> <p>2 MR VICTOR DAWES: This is copied to</p> <p>3 wangfukcourt0906@gmail.com. You would receive it?</p> <p>4 MR TSUI MOON COME: Yes. That is the email of the MC.</p> <p>5 MR VICTOR DAWES: Here it says in the email, it is written</p> <p>6 in English:</p> <p>7 "... we are at high risks as the Foamboard is found</p> <p>8 to be highly flammable ..."</p> <p>9 In paragraph 2. That was still your view in</p> <p>10 October; right?</p> <p>11 MR TSUI MOON COME: Right.</p> <p>12 MR VICTOR DAWES: In paragraph 81 of your witness statement</p> <p>13 you said that the FSD did not reply to this email.</p> <p>14 However, when Mr Ng of FSD reported to his supervisor in</p> <p>15 an email, he said that on 6 October a call was made to</p> <p>16 Mr Mak. Were you aware of that?</p> <p>17 MR TSUI MOON COME: No, because it was by phone.</p> <p>18 MR VICTOR DAWES: Mr Mak did not tell you about that?</p> <p>19 MR TSUI MOON COME: I can't remember now.</p> <p>20 MR VICTOR DAWES: Well, common sense dictates that it's an</p> <p>21 area of concern and he wrote to the FSD. If reply was</p> <p>22 given by the FSD, he should have told you.</p> <p>23 MR TSUI MOON COME: We expect a reply by email.</p> <p>24 MR VICTOR DAWES: It's not the case that I meant they did</p> <p>25 not reply or whether Mr Mak told you or not, what you</p>

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<p>1 said is that you have never heard from Mr Mak that there</p> <p>2 was a reply?</p> <p>3 MR TSUI MOON COME: That's right.</p> <p>4 MR VICTOR DAWES: Mr Ng of FSD, let me see if you remember</p> <p>5 the conversation. He said to Mr Mak that Mr Mak could</p> <p>6 complain to the Buildings Department or the Labour</p> <p>7 Department. Does that ring a bell of what Mr Mak said?</p> <p>8 MR TSUI MOON COME: Really can't remember.</p> <p>9 MR VICTOR DAWES: And as to issues relating to whether</p> <p>10 approval was given by the old MC, let's look at F4/1114.</p> <p>11 Let's look at 9.52. It's from you again:</p> <p>12 "I would like to confirm the foam board material in</p> <p>13 stage 2. Was approval obtained from the consultant and</p> <p>14 former MC before it was used?"</p> <p>15 That was a question from you; right?</p> <p>16 MR TSUI MOON COME: Yes.</p> <p>17 MR VICTOR DAWES: You knew you that in October you did not</p> <p>18 get what you wanted.</p> <p>19 MR TSUI MOON COME: At that time, there was a second batch</p> <p>20 of foam board with a higher fire retardancy. What we're</p> <p>21 trying to do is to replace the first batch as well.</p> <p>22 MR VICTOR DAWES: Mr Ho answered, "Yes".</p> <p>23 And then at 10.12 you asked Mr Lai of the management</p> <p>24 company to check record, whether an approval was given</p> <p>25 by the old MC. Did the management company supply you</p>	<p>1 boards.</p> <p>2 MR TSUI MOON COME: It's not the only consideration.</p> <p>3 MR VICTOR DAWES: There were views about that, so the</p> <p>4 concern was about the light penetration, the degree, not</p> <p>5 fire retardancy.</p> <p>6 MR TSUI MOON COME: But our goal was to use something with</p> <p>7 a higher fire retardancy.</p> <p>8 MR VICTOR DAWES: At that time you were aware that a large</p> <p>9 number of residents had this concern and you explained</p> <p>10 to us that the use of 2.5 mm hollow board in phases 2 or</p> <p>11 3 is not in relation to fire retardancy.</p> <p>12 MR TSUI MOON COME: Right.</p> <p>13 MR VICTOR DAWES: Your answer immediately after that was:</p> <p>14 "Can you find foam board that is not as</p> <p>15 combustible?"</p> <p>16 So your concern seems to be fire retardancy, not</p> <p>17 about the opacity of the board. You did not say to him</p> <p>18 here that, "If the materials were to be fire-retardant,</p> <p>19 why not switch to hollow board?" There was no</p> <p>20 discussion here.</p> <p>21 MR TSUI MOON COME: In September, the suggestion of hollow</p> <p>22 board was vetoed because if it was accepted, there would</p> <p>23 not be a subsequent discussion. But he said that it</p> <p>24 could only be used in phases 2 and 3.</p> <p>25 MR VICTOR DAWES: He said:</p>
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<p>1 with a record?</p> <p>2 MR TSUI MOON COME: Yes. But I think we have supplied it to</p> <p>3 you. You should have it.</p> <p>4 MR VICTOR DAWES: Well, if you have it, please let us know</p> <p>5 where it can be found. Even with an approval from the</p> <p>6 old MC, there was nothing to stop you from replacing the</p> <p>7 old batch; it's a matter of money. But there was no</p> <p>8 decision to do it?</p> <p>9 MR TSUI MOON COME: Right.</p> <p>10 MR VICTOR DAWES: On 2 October, as we have seen just now --</p> <p>11 well, let's show you a conversation between you and</p> <p>12 Mr Ho Kin Yip. We'll take you to A2/119. It's</p> <p>13 a one-on-one conversation, not in a group. Can you</p> <p>14 remember? I think you have reviewed the records.</p> <p>15 MR TSUI MOON COME: Yes.</p> <p>16 MR VICTOR DAWES: Here on page 119 Mr Ho said:</p> <p>17 "I'd like to ask if there was a strong view from</p> <p>18 residents about foam board, will 2.5 mm hollow board be</p> <p>19 used in phases 2 and 3?"</p> <p>20 What he meant was hollow board would be safer, so it</p> <p>21 would appease the residents; is that right?</p> <p>22 MR TSUI MOON COME: I didn't think that at that time.</p> <p>23 MR VICTOR DAWES: Paragraph 79 of your witness statement,</p> <p>24 it's mentioned. You said your interpretation was that</p> <p>25 residents had some views about the transparency of foam</p>	<p>1 "We have to ask the manufacturer. Well, I cannot</p> <p>2 guarantee it will being fire-retardant."</p> <p>3 "Take a video of it. As long as it extinguishes by</p> <p>4 itself, that will be all right."</p> <p>5 Paragraph 79 of your statement you said that you</p> <p>6 were told by the consultant that there was no</p> <p>7 certification system, that's why you said to him that</p> <p>8 there is no need to get a certificate.</p> <p>9 MR TSUI MOON COME: Right.</p> <p>10 MR VICTOR DAWES: But when we first read that, we found that</p> <p>11 it was strange because you on your own initiative</p> <p>12 mentioned that there was no need to have a certificate.</p> <p>13 MR TSUI MOON COME: Right. At that time, there was a heated</p> <p>14 discussion. They said that if there is a -- if we</p> <p>15 insist on certificate, then it would not be able to be</p> <p>16 done because -- if we require a certificate showing the</p> <p>17 level of retardancy, then it would be at a dead end</p> <p>18 because they were not able to do it.</p> <p>19 MR VICTOR DAWES: Well, there was a mention about no need to</p> <p>20 have a certificate. It seems that there was no written</p> <p>21 record, it was not mentioned in email or WhatsApp.</p> <p>22 MR TSUI MOON COME: Right.</p> <p>23 MR VICTOR DAWES: It was just a verbal exchange?</p> <p>24 MR TSUI MOON COME: Something like that. Because there was</p> <p>25 no legal requirement and we thought perhaps with</p>

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<p>1 a certificate --</p> <p>2 MR VICTOR DAWES: According to what you said, Prestige has</p> <p>3 never supplied any fire retardancy certificate to the</p> <p>4 MC?</p> <p>5 MR TSUI MOON COME: They've never done that.</p> <p>6 MR VICTOR DAWES: There is something in your witness</p> <p>7 statement, paragraph 79. Please explain to us. We have</p> <p>8 covered your conversation in relation to this. It says</p> <p>9 that, "Just do a video, don't be too sloppy. Just burn</p> <p>10 it for a bit longer and if it's lighted, then don't use</p> <p>11 a naked flame." You remember this?</p> <p>12 MR TSUI MOON COME: Yes.</p> <p>13 MR VICTOR DAWES: Without using naked flame, will it</p> <p>14 extinguish itself? Please explain.</p> <p>15 MR TSUI MOON COME: Right. If you refer to the original</p> <p>16 WhatsApp conversation, that is the screen cap.</p> <p>17 MR VICTOR DAWES: Let's look at A2/119. There is a clip.</p> <p>18 MR TSUI MOON COME: I supplied the clip for his reference</p> <p>19 showing him that there is actually some foam board that</p> <p>20 is with a higher fire retardancy.</p> <p>21 If you look at the video, you could see that it was</p> <p>22 burning for a bit.</p> <p>23 MR VICTOR DAWES: Can we show it?</p> <p>24 MR TSUI MOON COME: Yes.</p> <p>25 MR VICTOR DAWES: The first one.</p>	<p>1 will continue burning, but then it will not spread. But</p> <p>2 if you use a piece of white paper, the whole paper will</p> <p>3 burn.</p> <p>4 MR VICTOR DAWES: Now, on the question of foam board you</p> <p>5 explained what you told us and I have taken you through</p> <p>6 the WhatsApp messages. Let's not spend too much time on</p> <p>7 this subject. What I'm going to say, is this fair,</p> <p>8 obviously you and other residents were worried about</p> <p>9 this, but then Prestige and Will Power seem to be saying</p> <p>10 that there would not be much harm if there is</p> <p>11 a cigarette butt burning the materials and there is no</p> <p>12 certificate.</p> <p>13 After some discussions, you ended up using foam</p> <p>14 boards to cover the windows. They refused to replace</p> <p>15 the materials and they couldn't provide other options</p> <p>16 and you decided to end the matter. Is what I said</p> <p>17 correct? Do you have anything to add?</p> <p>18 MR TSUI MOON COME: We have tried our very best to strive</p> <p>19 for other materials within the ambit or the remit of our</p> <p>20 OC. It seems that there is a legal framework in</p> <p>21 Hong Kong helping us in our request for them to change</p> <p>22 materials. We felt helpless.</p> <p>23 MR VICTOR DAWES: Many residents of course believed that the</p> <p>24 using of foam boards was wrong and some said that you</p> <p>25 have not helped them to strive replacing foam boards</p>
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<p>1 (Video played)</p> <p>2 VIDEO RECORDING: Okay. Now, let's do the fireproof test.</p> <p>3 As you can see, it's automatically extinguished. If</p> <p>4 you have interest about our Jinbao PVC foam board</p> <p>5 welcome contact me an Alibaba. I will give you my best</p> <p>6 support.</p> <p>7 MR VICTOR DAWES: You say "don't be so sloppy with your</p> <p>8 video", you said this after seeing the video; right?</p> <p>9 MR TSUI MOON COME: Yes. I continued to explain and I said,</p> <p>10 "Don't be so sloppy in your work". You can see that the</p> <p>11 fire extinguishes immediately after it was burned. We</p> <p>12 hoped to be seeing that, that's exactly what I meant.</p> <p>13 MR VICTOR DAWES: What you said is that you want them to</p> <p>14 take a video which shows a longer period of the burning;</p> <p>15 is that right?</p> <p>16 MR TSUI MOON COME: Yes.</p> <p>17 MR VICTOR DAWES: You sent two other video clips as well.</p> <p>18 Let's show another clip to make things clearer.</p> <p>19 (Video played)</p> <p>20 MR VICTOR DAWES: You Googled this on YouTube yourself; is</p> <p>21 that right?</p> <p>22 MR TSUI MOON COME: Yes.</p> <p>23 MR VICTOR DAWES: What do you want to say by sending out</p> <p>24 this video?</p> <p>25 MR TSUI MOON COME: To tell them if we use naked flame, it</p>	<p>1 with less flammable materials. Can you respond to that</p> <p>2 kind of saying?</p> <p>3 MR TSUI MOON COME: I would like to take this opportunity to</p> <p>4 say that I lived there myself. We were also worried</p> <p>5 about the fire hazards. As an ordinary member of the</p> <p>6 public, of course we believed that foam boards were not</p> <p>7 appropriate. Since we assumed office, we started to</p> <p>8 fight. But then in respect of the system, the laws in</p> <p>9 Hong Kong, there is no way that we can stop them using</p> <p>10 the materials. Like what witnesses said yesterday, is</p> <p>11 it the case that the foam boards are still being used</p> <p>12 within the sector today? So there is no way that the</p> <p>13 Owners' Corporation can fight further to replace the</p> <p>14 foam boards with other materials.</p> <p>15 MR VICTOR DAWES: There is another comment from the</p> <p>16 residents saying that in the contract there is no</p> <p>17 stipulation on the materials to be used to cover the</p> <p>18 windows.</p> <p>19 MR TSUI MOON COME: Yes, that's the case.</p> <p>20 MR VICTOR DAWES: So there is room for the Owners'</p> <p>21 Corporation to ask their contractors to use safer</p> <p>22 materials; some residents hold that view. Please</p> <p>23 understand that. Some people say that the new OC or the</p> <p>24 new MC have said clearly that the contractor has said</p> <p>25 that for phase 2 some other materials should be used.</p>

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<p>1 MR TSUI MOON COME: Ultimately, it was we who strived for 2 this. If not for our efforts, the same type of foam 3 boards would have been used in all the eight blocks. 4 MR VICTOR DAWES: You see from the conversation that you did 5 explore the use of hollow boards, but then some 6 residents maybe believed that the hollow boards were 7 used in all the blocks and that would not be such a big 8 problem. How would you respond to that accusation? 9 MR TSUI MOON COME: We did discuss that the 2.5 mm thick 10 hollow boards were semi-opaque and our objective was to 11 have fire-retardant materials, rather than asking for 12 more light transmitting materials, so they asked for 13 half-opaque materials. But for us we focused on fire 14 retardancy. 15 MR VICTOR DAWES: Let me say this. Now, we were not 16 referring to the opaque hollow boards. We are talking 17 about placing the hollow boards every five floors. It 18 seems that you have explored or studied in detail that 19 if hollow boards were used instead of foam boards, then 20 more protection could be given. There is also a saying 21 that hollow boards were more fire-retardant. It seems 22 that residents were not given this option. 23 MR TSUI MOON COME: Because they didn't accept. 24 MR VICTOR DAWES: Who did not accept? 25 MR TSUI MOON COME: Prestige.</p>	<p>1 written reply to the Committee you said that, yes, 2 you did. Can you confirm that? 3 MR TSUI MOON COME: Yes. 4 MR VICTOR DAWES: Because from the evidence, it is said that 5 on 28 October 2024, a month or so after you assumed 6 office, the ICAC came to check on the fire retardancy of 7 the scaffolding netting. 8 Let's take a look at paragraph 68 of your witness 9 statement. You said that the MC back then didn't send 10 someone on site to check the materials; is that right? 11 MR TSUI MOON COME: Yes. 12 MR VICTOR DAWES: I would like to give you the opportunity 13 to explain. So the residents and you yourself were 14 concerned about scaffolding netting. When they did 15 their inspection, did you have the chance to take part 16 in the relevant discussion? 17 MR TSUI MOON COME: I was working so I wasn't there on site. 18 MR VICTOR DAWES: Let's take a look at F4/1153. That was in 19 2024. On 28 October, 10.48, there was a video that was 20 sent out by Mr Lai, Wang Fuk, Mr Lai. Right? Can you 21 confirm this is a video or message sent out by Mr Lai? 22 MR TSUI MOON COME: Yes. 23 MR VICTOR DAWES: He sent out a video and he said then later 24 the ICU did a random inspection on the fire retardancy 25 of scaffolding netting.</p>
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<p>1 MR VICTOR DAWES: We spent quite some time on this subject. 2 So did you find that you have enough time or opportunity 3 to express your stance? 4 MR TSUI MOON COME: Yes. 5 MR VICTOR DAWES: Let's now turn to the subject of 6 scaffolding netting. Paragraph 60, it says that after 7 you assumed office, the old MC has approved the 8 materials for the scaffolding netting. When you assumed 9 office, as the chairperson, did you try to understand 10 about the decisions of the old MC on scaffolding 11 netting? 12 MR TSUI MOON COME: When we came on board, the scaffolding 13 netting materials were approved and there were certain 14 standards to be followed. 15 MR VICTOR DAWES: Do you know that several months before you 16 assumed office, at the works meeting on 17 June 2024, 17 that the relevant practice notes APP-70 had to be 18 followed and the certification had to be furnished by 19 Prestige? Did you know about that? 20 MR TSUI MOON COME: Yes. Later I knew about that. 21 MR VICTOR DAWES: After you assumed office, do you think 22 that these guidelines have been followed? 23 MR TSUI MOON COME: Yes. 24 MR VICTOR DAWES: After you assumed office, have you asked 25 for the relevant certification from Prestige? In your</p>	<p>1 We showed this video on the first day and that was 2 in A98. In the video provided by the ICU at the opening 3 address, it seemed to be different from the one sent out 4 by Mr Lai, at least the length was different and what we 5 saw was different. You know what I'm talking about? 6 MR TSUI MOON COME: Yes. 7 MR VICTOR DAWES: Can you confirm this: during the 8 inspection, the scaffolding netting has burnt for 9 10 seconds and they have to be extinguished manually -- 10 I mean the fire has to be extinguished manually? Did 11 the MC know about this? 12 MR TSUI MOON COME: No. 13 MR VICTOR DAWES: In this WhatsApp group you were very 14 concerned about the tests, and afterwards you asked 15 a question. Let's take a look at page 1154. You have 16 been asking questions all the time: 17 "Would a report be furnished to us? Do we have to 18 write a report ourselves?" 19 You said that: 20 "To me, we have to have simple records in case 21 someone should ask. We have to know about the results 22 of the test." 23 And you kept on talking yourself: 24 "The result is it's fire-retardant. Passed the 25 test."</p>

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<p>1 And you said that:</p> <p>2 "Can we continue using the materials now covering</p> <p>3 the windows?"</p> <p>4 And then Mr Hau Wa Kin sent out some photos, files</p> <p>5 in jpg. Right?</p> <p>6 MR TSUI MOON COME: Yes.</p> <p>7 MR VICTOR DAWES: I would like to ask, after your enquiries,</p> <p>8 did anyone give you some records showing that tests have</p> <p>9 been passed?</p> <p>10 MR TSUI MOON COME: I can't remember.</p> <p>11 MR VICTOR DAWES: We understand that not long after that,</p> <p>12 because there were a number of typhoons last year and</p> <p>13 the year after that, and in July and September there</p> <p>14 were number 10 typhoon signal hoisted and the</p> <p>15 scaffolding netting have been replaced, and some</p> <p>16 residents said that the colour of the netting was</p> <p>17 obviously lighter and it seemed that it was less dense</p> <p>18 and it made it easier for them to look out onto the</p> <p>19 streets from their windows. Did you know about this?</p> <p>20 MR TSUI MOON COME: Yes, that's visible. I know.</p> <p>21 MR VICTOR DAWES: And then somebody said -- let's look at</p> <p>22 F4/1515, 4.45, Mr Kong said:</p> <p>23 "I would like to know whether the scaffolding</p> <p>24 certificate has been issued and ensure that the</p> <p>25 scaffolding netting is safe."</p>	<p>1 fragile, so we were worried that the netting was too</p> <p>2 fragile. We asked whether all the netting could be</p> <p>3 replaced and not just in part.</p> <p>4 Apart from the fire retardancy of the netting, which</p> <p>5 should meet with the standards, we were asking that all</p> <p>6 the nettings should be replaced. That should be in the</p> <p>7 conversation.</p> <p>8 MR VICTOR DAWES: And Mr Kong afterwards submitted a</p> <p>9 complaint.</p> <p>10 MR TSUI MOON COME: Right.</p> <p>11 MR VICTOR DAWES: It was done by him, not yourself?</p> <p>12 MR TSUI MOON COME: Yes. Please ask him. We were worried</p> <p>13 that if only part of the netting was replaced, that</p> <p>14 would also make the other parts fragile as well.</p> <p>15 MR VICTOR DAWES: But you failed to ask them to do so in the</p> <p>16 next three months; is that right?</p> <p>17 MR TSUI MOON COME: Yes.</p> <p>18 MR VICTOR DAWES: Do you have anything to add in relation to</p> <p>19 scaffolding netting? Have you done anything other than</p> <p>20 what I mentioned?</p> <p>21 MR TSUI MOON COME: They have replaced some scaffolding</p> <p>22 netting and I think they are mixing up the substandard</p> <p>23 netting with the netting which are of good standing.</p> <p>24 And it seems that our regulatory framework failed to</p> <p>25 deal with that.</p>
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<p>1 And then Jason Kong said that:</p> <p>2 "I want to make sure that the scaffolding and</p> <p>3 scaffolding netting can meet with the safety/legal</p> <p>4 requirements."</p> <p>5 And you said that:</p> <p>6 "I am not sure about the legal provisions, whether</p> <p>7 they cover the netting."</p> <p>8 I'd like to understand this. Do you know that there</p> <p>9 were legal requirements on scaffolding netting?</p> <p>10 MR TSUI MOON COME: Yes, there was --</p> <p>11 MR VICTOR DAWES: An APP which we mentioned earlier.</p> <p>12 MR TSUI MOON COME: Right. It's not that I didn't know</p> <p>13 about the APP. What I wondered is whether the form 5</p> <p>14 covered also the scaffolding netting. Because he was</p> <p>15 mentioning about the scaffolding here.</p> <p>16 MR VICTOR DAWES: Let's see if you can help us. After the</p> <p>17 typhoons, the scaffolding netting was replaced and the</p> <p>18 colour and sort of the density so-called was different</p> <p>19 from the previous ones. Have you reflected your worries</p> <p>20 to the contractor and after that have you asked them to</p> <p>21 do anything extra, apart from the conversation shown</p> <p>22 here?</p> <p>23 MR TSUI MOON COME: Apart from the colour -- because after</p> <p>24 the typhoons, we picked up some fragments of the netting</p> <p>25 from the ground and it was very breakable or very</p>	<p>1 MR VICTOR DAWES: Let's turn to another subject, and that is</p> <p>2 about the repair of the FS tanks and the switching off</p> <p>3 of the system. I would like to know about the details</p> <p>4 of the works in relation to the fire services tanks and</p> <p>5 your participation. Let's take a look at the master</p> <p>6 budget. F1/101, item 6.2A.</p> <p>7 I understand the old MC discussed the content of the</p> <p>8 contract with them and you read that after you assumed</p> <p>9 office. You have taken note of the details; right?</p> <p>10 MR TSUI MOON COME: Yes, I have gone through the details,</p> <p>11 but I don't remember all of them.</p> <p>12 MR VICTOR DAWES: Let's take a look at point 6. Can you see</p> <p>13 that? It is said that after the trial, mixed concrete</p> <p>14 and adhesives have been added and the white tiles have</p> <p>15 to be used and non-toxic tiles have to be used and</p> <p>16 certification has to be furnished.</p> <p>17 You know that these are the requirements. You have</p> <p>18 studied into them.</p> <p>19 MR TSUI MOON COME: Right. Yes.</p> <p>20 MR VICTOR DAWES: Let's turn to page 79. That is clause 13</p> <p>21 in the contract. Let's go further downwards and you'll</p> <p>22 see the FS water tank. There's several points under the</p> <p>23 point about temporary water tanks. The content seems to</p> <p>24 be that the requirement is that all the tanks should be</p> <p>25 replaced. Is that what you understand?</p>

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<p>1 MR TSUI MOON COME: Yes.</p> <p>2 MR VICTOR DAWES: Then it is also said, in relation to item</p> <p>3 6.2A, page 101, you also said that a temporary water</p> <p>4 tank had to be provided.</p> <p>5 Page 101, bundle F1, item 6.2A, that is to repair</p> <p>6 the concrete structure of the water tanks. And point 4,</p> <p>7 waterproofing has to be done, tiles have to be laid.</p> <p>8 You know about these works?</p> <p>9 MR TSUI MOON COME: Yes.</p> <p>10 MR VICTOR DAWES: After reading through these clauses, you</p> <p>11 know that the thinking back then was that there would be</p> <p>12 a temporary water tank, and after it was dismantled, the</p> <p>13 FS tank would be turned into a drinking water tank. Is</p> <p>14 that what you understand?</p> <p>15 MR TSUI MOON COME: Yes.</p> <p>16 MR VICTOR DAWES: There's an area that we are all concerned</p> <p>17 by. That is, why would we use the FS tank as a</p> <p>18 temporary drinking water tank? First of all, we know</p> <p>19 that there has been mentioning about the use of</p> <p>20 temporary drinking water tank or we can use fibre or</p> <p>21 other materials as a temporary drinking water tank. If</p> <p>22 we use FS tank as a temporary drinking water tank, we</p> <p>23 will have to pave tiles, we will have to ensure that the</p> <p>24 drinking water is clean. We don't think that tiles are</p> <p>25 needed for FS tank?</p>	<p>1 or not certain items shall be deleted. Were you part of</p> <p>2 it?</p> <p>3 MR TSUI MOON COME: Yes.</p> <p>4 MR VICTOR DAWES: In H1-3/6033 there was a minutes. The</p> <p>5 attendees, it says "OC". Were you included? I know</p> <p>6 there were multiple meetings. Can you remember?</p> <p>7 MR TSUI MOON COME: I'm sorry.</p> <p>8 MR VICTOR DAWES: If you look at the record in 6035, there</p> <p>9 are documents showing what needs to be removed. I think</p> <p>10 you can have seen that?</p> <p>11 MR TSUI MOON COME: Correct.</p> <p>12 MR VICTOR DAWES: We noticed that the paving of tiles in the</p> <p>13 water tank, that is item 6.2A, it was not mentioned</p> <p>14 here.</p> <p>15 MR TSUI MOON COME: Yes.</p> <p>16 MR VICTOR DAWES: Can I put it this way: it seems that when</p> <p>17 you were trying to delete certain items, you did not</p> <p>18 consider that particular one?</p> <p>19 MR TSUI MOON COME: We did not consider that.</p> <p>20 MR VICTOR DAWES: Were there any water permeating in the</p> <p>21 water tank, or was it necessary? Did you look into</p> <p>22 that?</p> <p>23 MR TSUI MOON COME: We did not explore this item back then.</p> <p>24 We did not realise that it was unnecessary.</p> <p>25 MR VICTOR DAWES: In page 6034, referring to the record on</p>
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<p>1 MR TSUI MOON COME: I didn't know.</p> <p>2 MR VICTOR DAWES: Did you consider about that?</p> <p>3 MR TSUI MOON COME: We did not consider about this.</p> <p>4 MR VICTOR DAWES: In other words, back then, the OC was not</p> <p>5 concerned about whether or not this part of the work</p> <p>6 shall be done or if it is reasonable?</p> <p>7 MR TSUI MOON COME: You cannot say that we were not</p> <p>8 concerned. At first, we could not think of whether or</p> <p>9 not it is reasonable. You can't say that we are not</p> <p>10 concerned about this.</p> <p>11 MR VICTOR DAWES: To be fair, you have considered taking</p> <p>12 away items that were unnecessary.</p> <p>13 MR TSUI MOON COME: Right.</p> <p>14 MR VICTOR DAWES: After the new MC assumed office, you think</p> <p>15 it is necessary for you to help people to cut cost. If</p> <p>16 there are items that are unnecessary, we could just</p> <p>17 leave it out.</p> <p>18 MR TSUI MOON COME: Right.</p> <p>19 MR VICTOR DAWES: Did you look into these clauses? Can you</p> <p>20 leave it out? Why did it have to be done? Is it</p> <p>21 unnecessary?</p> <p>22 MR TSUI MOON COME: I could not answer you if it is one of</p> <p>23 the unnecessary items.</p> <p>24 MR VICTOR DAWES: When you had meeting with PC&E and</p> <p>25 Will Power in November 2024, you have discussed whether</p>	<p>1 6034, regarding the water tank on rooftop, at the end --</p> <p>2 Prestige will only work on the FS tank and also the</p> <p>3 seawater tank. They will try to use the FS tank. It</p> <p>4 has been discussed back then; correct?</p> <p>5 MR TSUI MOON COME: Yes.</p> <p>6 MR VICTOR DAWES: The contract has mentioned about putting</p> <p>7 up a temporary drinking water tank. We see that, in</p> <p>8 reality, they use FS tank has a replacement. If you</p> <p>9 were concerned about the related clause, you might have</p> <p>10 a question, "Why didn't they provide a temporary</p> <p>11 drinking water tank? Why do we have to conduct this</p> <p>12 part of work?"</p> <p>13 Of course we understand that there are a number of</p> <p>14 items that you needed to look into. According to you,</p> <p>15 when you look back, it seems problematic but it seems</p> <p>16 that you didn't consider that back then.</p> <p>17 MR TSUI MOON COME: Correct.</p> <p>18 MR VICTOR DAWES: Later on we noted that in March 2023 there</p> <p>19 was a special AGM voting on the deletion of some</p> <p>20 unnecessary items. G1-2/155. It seems that people has</p> <p>21 mentioned about deleting the project on drinking water</p> <p>22 tank.</p> <p>23 May I refer you to 2a. Please scroll down. There</p> <p>24 was a vote that took place and voting results. Can you</p> <p>25 explain this item as far as the discussion?</p>

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<p>1 MR TSUI MOON COME: If you are talking about the drinking 2 water tank, they agreed it can be deleted because there 3 was a subsidy that covers water supply works. In that 4 subsidy scheme, government has provided certain 5 subsidies including the water testing items. It is 6 a replica. That's why we required them to delete it. 7 MR VICTOR DAWES: It is purely because of the handling -- it 8 is a handling of the drinking water tank, that's why it 9 was deleted, but you did not consider the necessity of 10 the projects concerning the FS tank? 11 MR TSUI MOON COME: Correct. 12 MR VICTOR DAWES: Chairman, I believe that I can delete 13 a series of questions. I want to consider if I can 14 speed up the process. 15 THE HON MR JUSTICE DAVID LOK: I believe there are other 16 people who would like to ask questions, representatives 17 of the residents or others? No one else wants to ask 18 questions? 19 MR CALVIN CHEUK: We might have two to three questions. 20 THE HON MR JUSTICE DAVID LOK: We will come back by 2.15. 21 (12.47 pm) 22 (The luncheon adjournment) 23 (2.15 pm) 24 THE HON MR JUSTICE DAVID LOK: Do continue, please. 25 MR VICTOR DAWES: Mr Tsui, in your discussion with Prestige</p>	<p>1 Another issue, it's quite close to you: after you 2 have taken office, from the complaint you lodged, that 3 is against Ms Wong Pik Kiu who obtained proxies, after 4 you have taken office, the new MC was not as close to 5 her compared to the old MC? 6 MR TSUI MOON COME: I agree. Not as close to Wong Pik Kiu. 7 MR VICTOR DAWES: Did anyone talk to you about asking 8 district councillors to participate and be involved? 9 MR TSUI MOON COME: Not particularly. Of course if it was 10 to help residents, we would welcome it. 11 MR VICTOR DAWES: I ask you this because, looking at the 12 information supplied by Ms Wong in bundle V, page 365, 13 there are WhatsApp groups with members from residents of 14 Wang Fuk, former members of MC, Ms Wong and Tang Kwok 15 Kuen. You obviously were not a part because there were 16 records showing discontent about you. I'm sure that you 17 have not seen this. Let's go to the bottom of this 18 page 365. 19 It seems that at 12.11, a Mr Wong of Wang Fuk Court: 20 "In relation to MC -- well, I also found that, well, 21 no district councillors were present in the past few 22 meetings of the MC, of course it's not necessary but the 23 new MC has no experience. There should be people with 24 experience asked to attend." 25 Is it because there was no presence of district</p>
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<p>1 as to deletion and continuation with certain items, 2 actually there is one item that I'd like you to help us 3 with. It was mentioned by the witness yesterday. 4 Please go to H1-3, page 6035. This is in relation to 5 this consolidated discussion items. It goes through the 6 items that are to be continued. We know that you were 7 involved. Did you prepare this document? 8 MR TSUI MOON COME: Some members and residents came up with 9 this. 10 MR VICTOR DAWES: But you were involved? 11 MR TSUI MOON COME: Yes. 12 MR VICTOR DAWES: Let's go to the top. Cover of the 13 pathway, bamboo versus metal. Yesterday we heard that 14 the original plan was to use metal as the cover, to 15 guard against items falling from height. But later, it 16 was abandoned. But here it says "OC hold payment, 17 24,000". What happened? In the first place, was there 18 a metal cover for the passageway done? 19 MR TSUI MOON COME: No. 20 MR VICTOR DAWES: Well, it was abandoned and payment was not 21 done or they gave up that item themselves? 22 MR TSUI MOON COME: I can't really recall in relation to the 23 communications regarding this item. 24 MR VICTOR DAWES: I understand. Then you won't be able to 25 help us.</p>	<p>1 councillors, that's why there was this request, or you 2 don't remember? 3 MR TSUI MOON COME: I don't remember asking district 4 councillors to attend MC meetings. 5 MR VICTOR DAWES: Well, as I understand, before you took 6 office, did they attend MC meetings? 7 MR TSUI MOON COME: I think so. That is in relation to the 8 old MC. 9 MR VICTOR DAWES: Let's look at more records. 10 It says, "Peggy Wong", that is Ms Wong Pik Kiu: 11 "Perhaps the management company can be prompted to 12 send invitation to me or Mui Siu Fung, the district 13 councillor, for us to attend." 14 A Mr Wong from Wang Fuk Court said: 15 "It doesn't matter. As long as there is someone 16 with experience attending the meeting, someone who is a 17 known personnel, who are present at the meeting." 18 And then Ms Wong said there are some residents 19 asking for her to continue to help. 20 Let's take a look at the next page. It says if the 21 residents have a joint signature campaign to ask them to 22 comment. Then Mr Wong said that it will be going 23 overboard. The question then is will they be asked to 24 attend regularly and he said: 25 "No, better not."</p>

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<p>1 Now, after you assumed office, had someone asked you</p> <p>2 to pull them in and attend the meetings?</p> <p>3 MR TSUI MOON COME: No.</p> <p>4 MR VICTOR DAWES: And in AGMs and EGMs, it seems that you</p> <p>5 took the initiative to invite them to attend?</p> <p>6 MR TSUI MOON COME: Yes, as a routine practice.</p> <p>7 MR VICTOR DAWES: So the routine practice, the usual</p> <p>8 practice, is that at major meetings they would be</p> <p>9 invited?</p> <p>10 MR TSUI MOON COME: Yes.</p> <p>11 MR VICTOR DAWES: Let's take a look at page 328. This</p> <p>12 invitation was assigned under your name asking Ms Wong</p> <p>13 to attend the AGM. So you did that?</p> <p>14 MR TSUI MOON COME: Yes.</p> <p>15 MR VICTOR DAWES: And when you were the chairperson, did she</p> <p>16 approach you or talk to you about the major maintenance</p> <p>17 project?</p> <p>18 MR TSUI MOON COME: No.</p> <p>19 MR VICTOR DAWES: Since she was so concerned about the</p> <p>20 residents and the major maintenance project, why didn't</p> <p>21 she contact you directly?</p> <p>22 MR TSUI MOON COME: I don't know. When we were elected, the</p> <p>23 deputy chairman approached her, but we didn't get any</p> <p>24 reply.</p> <p>25 MR VICTOR DAWES: Let's look at some other issues. At the</p>	<p>1 going out to the scaffolding to work. It's impossible</p> <p>2 to ask the workers to climb 30 floors to go to work</p> <p>3 every day. We have got the approval from the MC</p> <p>4 earlier. So Steven Choi was from the consultant</p> <p>5 Prestige?</p> <p>6 MR TSUI MOON COME: Correct.</p> <p>7 MR VICTOR DAWES: Back then nobody told you that that could</p> <p>8 be an issue. It seems that after the new MC came on</p> <p>9 board, you didn't pay any attention. Irrespective of</p> <p>10 someone making enquiry, you didn't check whether there</p> <p>11 was a discussion of the old MC on the issue?</p> <p>12 MR TSUI MOON COME: Of course we are concerned about the</p> <p>13 access openings and also at the works meetings we did</p> <p>14 discuss that. Here it says that it's impossible to ask</p> <p>15 the workers to go up and down all the way, all the</p> <p>16 different storeys to work, and they said that it was</p> <p>17 usual practice and there's no other way that we can</p> <p>18 approach the matter so we have to accept it.</p> <p>19 MR VICTOR DAWES: Let's look at another issue which comes</p> <p>20 with a lot of evidence. A lot of residents said that</p> <p>21 there were workers smoking. Now, you are the</p> <p>22 chairperson of the MC and I would like to know what</p> <p>23 follow-up work you had undertaken and what difficulties</p> <p>24 you encountered because, in the WhatsApp messages,</p> <p>25 you did state your stance.</p>
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<p>1 evidential hearing there was discussion about access</p> <p>2 openings. The evidence is clear, that there was one</p> <p>3 every five floors.</p> <p>4 MR TSUI MOON COME: Mmm.</p> <p>5 MR VICTOR DAWES: And you know about that since you lived</p> <p>6 there. At that time, you didn't know that this would</p> <p>7 pose a risk; is that right?</p> <p>8 MR TSUI MOON COME: Let me put it this way. They have made</p> <p>9 the decision and we didn't know that there was a risk</p> <p>10 when there was fire in the scaffolding. And some</p> <p>11 residents seemed to seek an understanding of why that</p> <p>12 was done.</p> <p>13 MR VICTOR DAWES: Let's take a look at F4/1178. It's a</p> <p>14 WhatsApp message. Let's take a look at 11.37.</p> <p>15 A resident named Butterflycarol, she said that:</p> <p>16 "I have received an enquiry from a tenant and that</p> <p>17 some windows have been dismantled and converted to</p> <p>18 access openings."</p> <p>19 That was the situation in many blocks, and she would</p> <p>20 like to understand is that necessary. So earlier on,</p> <p>21 there were discussions like those. Do you know who this</p> <p>22 person is?</p> <p>23 MR TSUI MOON COME: Fung Ching Yan, a member of the MC.</p> <p>24 MR VICTOR DAWES: And then Prestige -- let's take a look at</p> <p>25 the point of the arrow. That was meant for workers</p>	<p>1 Let's take a look at F4/1041. At 11.14 there was a</p> <p>2 person called Karina.</p> <p>3 And item 5 here, they were smoking at the</p> <p>4 scaffolding and Prestige specifically told workers that</p> <p>5 they could only smoke in designated areas. If someone</p> <p>6 did not obey or comply, they would be penalised. So to</p> <p>7 your understanding, you have expressed a concern to</p> <p>8 Prestige.</p> <p>9 MR TSUI MOON COME: Absolutely, yes.</p> <p>10 MR VICTOR DAWES: Why the need to do so?</p> <p>11 MR TSUI MOON COME: Because there were many complaints from</p> <p>12 residents.</p> <p>13 MR VICTOR DAWES: So after the complaints they said that</p> <p>14 they would penalise their workers, but then the</p> <p>15 situation continued. What furthermore have the MC done?</p> <p>16 MR TSUI MOON COME: As soon as we assumed office, we told</p> <p>17 them about the complaints relating to smoking and safety</p> <p>18 belts; I believe that you have heard about all these.</p> <p>19 And then in the five-party meetings we also raised the</p> <p>20 issue. Initially, they said that they would designate</p> <p>21 an area for them to smoke, and they continued smoking.</p> <p>22 The most difficult thing was that the workers were</p> <p>23 smoking on the scaffolding and we couldn't catch them.</p> <p>24 So we asked residents to give us the photos and then we</p> <p>25 will convey the same to Prestige to follow up. They</p>

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1 said that if it could be proved that these were really
 2 their workers, they would be blacklisted and they would
 3 not be allowed to work in Wang Fuk Court anymore.
 4 MR VICTOR DAWES: This message was in September 2024. Let's
 5 take a look at page 1269. Many months passed, to
 6 February 2025. Let's take a look at what happened
 7 around 4 to 5 pm on the 25th. It is still talking about
 8 smoking. The discussion went on for so long. Norman
 9 Mak said:
 10 "There was the smell of smoking in my house."
 11 4.58, Percy Ho asked whether there was any penalty
 12 mechanism. Mr Kong said there was no one to enforce it.
 13 On the same page, at 5.02 you appeared. You said:
 14 "On Saturday, the MC will talk about how to follow
 15 up on workers smoking. Please, Prestige, follow up so
 16 that we could give a report to the residents."
 17 And then at 5.06, "Come-jai" is you, you said that
 18 again:
 19 "The responsibility of reporting doesn't fall on our
 20 side. It should be your company. It's impossible to
 21 ask the residents to risk of being revenged by the
 22 workers. At restaurants, a similar situation is that
 23 you would not be quarrelling or scolding the waiters",
 24 because you were worried of the workers taking revenge.
 25 MR TSUI MOON COME: Right.

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1 MR VICTOR DAWES: You continued to complain but then they
 2 continued not to handle it. And then ultimately there
 3 was no follow-up.
 4 MR TSUI MOON COME: That was my feeling, yes.
 5 MR VICTOR DAWES: On page 1285, that is the next month, at
 6 12.17, you were quite infuriated:
 7 "I was a defunct chairperson."
 8 And then you gave some comments:
 9 "I don't want the workers to be sacked, especially
 10 the skilled workers. It's difficult to find good
 11 workers. I know that it's quite common for those in the
 12 engineering sector to smoke. I hope that Prestige could
 13 persuade the workers not to smoke anymore during the
 14 work hours. I hope that the good workers, the skilled
 15 workers can still work in the estate."
 16 You continued complaining, they continued to
 17 persuade, but then the situation got no better. What
 18 further have you done?
 19 MR TSUI MOON COME: From the very beginning up to now, we
 20 have received complaints about smoking. I hope that
 21 they could impose penalty to deter the workers from
 22 smoking. Because we understand that smoking carries
 23 risks but then maybe we should use both a carrot and
 24 a stick, maybe they can do more briefings to the
 25 workers. As the Owners' Corporation, we cannot monitor

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1 them around the clock. Every time we spotted someone
 2 smoking we would make the complaint but the workers were
 3 adamant in their practices. They continued smoking.
 4 We even held up payment on the matter and to make
 5 sure that they promised to do something about smoking.
 6 They said they would invite Mr Hau, the boss of
 7 Prestige, to go to the site to make a pledge that they
 8 would strengthen the enforcement.
 9 There is nothing more that we can do. We have done
 10 our level best. So we just report the case to them
 11 every time we see a case of smoking.
 12 MR VICTOR DAWES: You kept on asking Prestige to handle the
 13 matter. What about Will Power? Where have they gone?
 14 MR TSUI MOON COME: We talked directly to Prestige and the
 15 meetings, we would also ask Will Power to monitor the
 16 situation. Will Power should be responsible for
 17 managing the whole project. Whether it's complaints on
 18 smoking or otherwise, we will tell the consultant that
 19 they are obliged to supervise the operations of
 20 Prestige.
 21 MR VICTOR DAWES: In other words, apart from persuading
 22 them, there is nothing more that you can do.
 23 MR TSUI MOON COME: Well, it's not a persuasion, it's
 24 admonishing them. Smoking should be forbidden on work
 25 sites.

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1 MR VICTOR DAWES: Let's be fair to you. On the residents'
 2 complaints, you did communicate to the relevant parties
 3 but it seems you have achieved no results because
 4 complaints came pouring in.
 5 MR TSUI MOON COME: Yes.
 6 MR VICTOR DAWES: Let's study another subject. Some people
 7 were complaining about the accumulation of garbage.
 8 There was evidence showing that at the place where the
 9 fire started at the light wells and it was used as a
 10 rest area for the workers. Let's take a look at F4,
 11 page 1126.
 12 At 9.21:
 13 "At Wang Chi House 1st floor light well there were
 14 a lot of garbage accumulated and the weather was dry and
 15 there were hidden hazards. Please follow up."
 16 Who is Ah Sum?
 17 MR TSUI MOON COME: It is a member.
 18 MR VICTOR DAWES: That was about Wang Chi House. To your
 19 understanding, the problem was just not confined to
 20 Wang Chi?
 21 MR TSUI MOON COME: No. No specific building.
 22 MR VICTOR DAWES: The situation was the same in other light
 23 wells?
 24 MR TSUI MOON COME: Yes.
 25 MR VICTOR DAWES: What was the use of the light well to the

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1 workers? Because the residents and the management
 2 companies had different versions of their stories. Did
 3 you see workers gathering there to take a rest there?
 4 MR TSUI MOON COME: I haven't seen anything like that, but
 5 I don't think that's the case.
 6 MR VICTOR DAWES: There was a bamboo ladder for the workers
 7 to climb from the ground floor to the light well; did
 8 you notice that?
 9 MR TSUI MOON COME: No.
 10 MR VICTOR DAWES: Heaps of garbage, is that a hazard?
 11 MR TSUI MOON COME: Yes.
 12 MR VICTOR DAWES: Can you affirm that?
 13 MR TSUI MOON COME: Yes.
 14 MR VICTOR DAWES: And then there was always a comment on the
 15 WhatsApp, 11.46, Mr Lai said that:
 16 "Before scaffolding was erected, there was cleaning
 17 every week. Can we do cleaning once every month at
 18 least?"
 19 And they said that:
 20 "It's too infrequent. Residents wouldn't accept
 21 that. Prestige would arrange workers to clean the place
 22 once every Friday or Saturday."
 23 Now, there were heaps of garbage at that location.
 24 The phenomenon continued, can I say that?
 25 MR TSUI MOON COME: Yes.

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1 MR VICTOR DAWES: This is your understanding as well?
 2 MR TSUI MOON COME: Yes.
 3 MR VICTOR DAWES: The FSD had taken a look at the light well
 4 after the fire and there were still heaps of rubbish in
 5 that particular location. There were also complaints
 6 about the place being very unclean. Let's take a look
 7 at page 1139. Let's go to the very bottom of that page.
 8 Someone said:
 9 "Even there were workers urinating at the light well
 10 at Wang Tai House and there was hygiene issue."
 11 And they were trying to understand whether someone
 12 was wearing a work suit.
 13 It seems that some workers were gathering there. Do
 14 you agree?
 15 MR TSUI MOON COME: Agree.
 16 MR VICTOR DAWES: There have been complaints all along and
 17 they said that the place was being cleaned as well.
 18 There were miscellaneous items, heaps of garbage and so
 19 on. This was ongoing, is that right?
 20 MR TSUI MOON COME: Right.
 21 MR VICTOR DAWES: And it seems there were no solutions that
 22 could eradicate the problem altogether; is that right?
 23 MR TSUI MOON COME: Yes.
 24 MR VICTOR DAWES: To be fair to you, you formed a new MC
 25 because there were problems with the major maintenance

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1 project but you agree that you could chase or you could
 2 remove Prestige and Will Power after you assumed office.
 3 MR TSUI MOON COME: Absolutely impossible.
 4 MR VICTOR DAWES: Because there's a contract.
 5 MR TSUI MOON COME: Correct.
 6 MR VICTOR DAWES: You were unhappy with the ways they work,
 7 but to a large extent you counted on them to complete
 8 the work and you counted on Will Power to supervise
 9 Prestige; right?
 10 MR TSUI MOON COME: Yes.
 11 MR VICTOR DAWES: I'm talking about before the Tai Po fire.
 12 Are you satisfied or unsatisfied regarding the works of
 13 the contractor?
 14 MR TSUI MOON COME: Well, I'm just speaking on behalf of
 15 myself, not the whole group. Regarding the works, they
 16 did make progress. There will be chiselling works and
 17 they conducted the work in a step-by-step manner.
 18 However, in terms of safety, fire services and other
 19 things that we were fighting for, especially we
 20 requested the consultants to monitor them. I think it
 21 is far from ideal. As you can see, on multiple
 22 occasions we have filed our complaint. Still, they were
 23 unable to tackle it in a reasonable manner. On top of
 24 that, perhaps I can supplement.
 25 Talking about the issues of smoking, even with the

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1 officer of the government with the patrolling, it seems
 2 that the situation is still unable to be contained. In
 3 terms of management, I think Prestige and the consultant
 4 have fallen short from the standard.
 5 MR VICTOR DAWES: I saw that from the WhatsApp group it was
 6 Mr Ho from Prestige who replied to you.
 7 MR TSUI MOON COME: Mmm.
 8 MR VICTOR DAWES: Have you seen Mr Ng Yeuk?
 9 MR TSUI MOON COME: He was not in this group.
 10 MR VICTOR DAWES: Were you at any meetings with him?
 11 MR TSUI MOON COME: No.
 12 MR VICTOR DAWES: Did you ever wonder where was the
 13 representative from Will Power?
 14 MR TSUI MOON COME: I did not think about that back then.
 15 MR VICTOR DAWES: From your memory, it seems that they did
 16 not participate. Was that correct?
 17 MR TSUI MOON COME: Yes.
 18 MR VICTOR DAWES: To be fair to you, I will give you some
 19 space to talk about certain discontent and complaints
 20 against you. People complained about the tiles as well
 21 as the repairs work of air-conditioners; you explained
 22 it in your witness statement. I have shown you the
 23 complaint in G1-1/858. There was a complaint in
 24 7 January 2024. Please scroll down.
 25 Please go up a bit. Number 4:

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<p>1 "Members of OC was the representative of the owners 2 at the court. You should be open in replying to the 3 above issues because Prestige said that there was delays 4 in the payment. It was confusing. The letters from 5 Prestige has been posted since 7 November. It has 6 caused a lot of concerns and worries. It has been 7 two months. Why didn't the OC respond to it?" 8 They have listed a series of issues that they are 9 upset about. Some discovered that on the external walls 10 there were certain dangerous situations spotted. The 11 cement window shield as well as the air-conditioner 12 platform, there were safety issues concerning the 13 construction work. Basically they complained that you 14 did not tackle it. 15 Safety issues was one of them. Second, there were 16 also concerns if they need to pay more. If there are 17 additional works, the contractor can charge more. 18 At the bottom of item 4 it seems they are accusing 19 you for hiding something. 20 Yesterday some residents said at the beginning you 21 were very active but then it was difficult to reach you. 22 Regarding these allegations, I would like you to respond 23 to it. Perhaps it might not be the most fair to you if 24 they are only speculations without evidence. 25 MR TSUI MOON COME: Thank you. I would like to respond in</p>	<p>1 open to everybody. I received private calls. I always 2 reply. Second, we have called numerous exchange 3 sessions. We also have weekly works meeting. I didn't 4 see any areas that we are not transparent enough, that 5 we didn't communicate enough. This is very biased. I 6 could not accept it at all. 7 If you look at the WhatsApp or the minutes, if that 8 resident attended the works meeting in person, surely 9 that resident would see that we have discussed what they 10 make a request, including revoking the contract. 11 I can go on on this topic. 12 MR VICTOR DAWES: We can talk about that later. 13 In bundle F4 we looked at charts from the WhatsApp 14 group. How is it decided on who to add and who not to 15 add? 16 MR TSUI MOON COME: There was a WhatsApp group called "Major 17 maintenance work concerns group". We asked people to 18 join the group if they had an engineering background and 19 if they agree, we would add them into the group. 20 MR VICTOR DAWES: So as long as there are request, you would 21 add them in? 22 MR TSUI MOON COME: Actually we took the initiative when we 23 established the group. We said that if they have 24 engineering background, they can give advice. We also 25 have a volunteering group; we also ask residents to help</p>
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<p>1 two parts. First of all, I want to talk about the 2 window lintel. By the end of October, during the 3 chiselling work of PC&E, they discovered that nearby the 4 window lintel there have been some missing parts. They 5 also find insufficient cement nearby the window frame. 6 They have already informed the Housing Department. 7 Notice has been posted in the lift lobby. There has 8 been explanations regarding it. 9 Speaking of the roles of the OC, since we have to 10 follow up with the ICU as well as our legal team, we 11 want to see if the proposals are acceptable because it 12 concerns cement reconstructions. Perhaps subsequently 13 there will be more explanations regarding the voting 14 result of the March meeting of the AGM. 15 We did explain before clarifications it would be 16 hard for us to reply to them and say it is appropriate 17 or not. We even called for clarification sessions. We 18 invited the consultants to explain to the residents. 19 What was said here is not true. It is not true that we 20 did not explain, that's what I would like to clarify. 21 You also mentioned that yesterday some residents 22 said that I was very active when I was campaigning and 23 they had difficulties reaching me afterwards. I think 24 it is biased. It is very unfair to me and my team. 25 First of all, during campaigning, my phone number was</p>	<p>1 the elderly. So we had two WhatsApp groups. One is to 2 support the senior residents, another is to help us 3 advise on the engineering. 4 MR VICTOR DAWES: There was another complaint saying that 5 the contractor did not show the insurance policy. Let's 6 go to page 906, G1-1. Please scroll down. 7 Do you remember this complaint? 8 MR TSUI MOON COME: Yes. 9 MR VICTOR DAWES: Anything from you regarding this 10 complaint? 11 MR TSUI MOON COME: On one hand, it is a complaint. 12 Actually, as MC members we did request them to show the 13 original copy of insurance policy. They explained that 14 it is their regular habit to hide the actual amount. 15 Finally, they did show us the copy. In October they 16 showed us the copy, but according to the contract we 17 told Will Power that they should give us the original 18 copy. We asked for it at different works meeting as 19 well as the exchange session. At one of the meetings we 20 talked to Mr Ho from Will Power and he promised to give 21 us the original copy of the receipt of the insurance 22 policy. 23 Subsequently, they said that they can give us the 24 original copy, but it was only for the MC members, it 25 cannot be disclosed. There are some confidentiality</p>

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<p>1 clause. On one hand, we had to fulfil the contract. On</p> <p>2 the other hand, we also worry if they have actually</p> <p>3 purchased insurance, if we are really insured.</p> <p>4 Therefore, we also asked for the broker. We asked</p> <p>5 them to explain in person regarding the content of the</p> <p>6 policy. We also asked ISS to call and verify if the</p> <p>7 policy is effective. If they ask us to sign</p> <p>8 confidentiality clause and request us not to disclose it</p> <p>9 to the residents, this is not something that we can</p> <p>10 accept. That's why we refused to accept their terms.</p> <p>11 That's why we only have a copy, not the original. But</p> <p>12 we took measures to make sure that we are insured.</p> <p>13 MR VICTOR DAWES: You did take measures?</p> <p>14 MR TSUI MOON COME: Yes.</p> <p>15 MR VICTOR DAWES: Many said that being a chairman of the OC</p> <p>16 is hard work that is not appreciated and there are a lot</p> <p>17 of allegations because there are over 2,000 units there.</p> <p>18 People do have different views. I don't think it is</p> <p>19 everybody's expectation to see this result. I don't</p> <p>20 think this is the expectation of you or the new MC.</p> <p>21 This time, when you come to give your evidence at this</p> <p>22 hearing, do you have anything to add for the Committee?</p> <p>23 MR TSUI MOON COME: Thank you for this opportunity.</p> <p>24 I'm sorry. It was too difficult. I don't want to</p> <p>25 be sentimental.</p>	<p>1 knowing nothing. Then we took on the job, had to ask on</p> <p>2 almost every issue. We are not familiar with</p> <p>3 engineering works. We had to rely on the consultants,</p> <p>4 the experts, even the solicitors. Sometimes we even</p> <p>5 need to consult the government departments regarding</p> <p>6 legal issues. It is a project worth HK\$330 million.</p> <p>7 How possibly can it be led by ordinary residents like</p> <p>8 me?</p> <p>9 Of course in retrospect we know that there's much</p> <p>10 room for improvement. I always ask myself how could</p> <p>11 I do better? Back then, all of us have given our best</p> <p>12 effort. We have done what we see as the most correct</p> <p>13 action. Therefore, today, in the aftermath of the fire,</p> <p>14 we're being accused but still I need to come out and</p> <p>15 speak. I need to complete my last duty. I have to</p> <p>16 share with you what I know. I really hope that after</p> <p>17 this evidential hearing we will see improvements, be it</p> <p>18 the policies or regarding monitoring. We also wish to</p> <p>19 see more governmental support regarding the major</p> <p>20 maintenance project.</p> <p>21 I really wish that all the residents at Wang Fuk</p> <p>22 Court will be able to find peace after this incident.</p> <p>23 We hope that they will all find new beginnings. I'm</p> <p>24 very thankful for this evidential hearing. This is an</p> <p>25 opportunity for us to share what we know. Thank you</p>
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<p>1 MR VICTOR DAWES: I understand.</p> <p>2 MR TSUI MOON COME: I try to calm down.</p> <p>3 I'm getting emotional because it's really tough to</p> <p>4 serve as the OC. There are a lot of sufferings but I'm</p> <p>5 not here to complain. It is not my intention to</p> <p>6 complain. I just want to express that as the OC, at the</p> <p>7 beginning when we tried to unseat the old OC, we didn't</p> <p>8 know much. Once they were dissolved, we had to take on</p> <p>9 the responsibility because works had to carry on. We</p> <p>10 know that it's going to be tough. But we are grateful.</p> <p>11 We have a team of members that were unyielding. They</p> <p>12 knew that they would be accused. They knew that people</p> <p>13 would be angry at them. But still they are willing to</p> <p>14 continue in their works. Everybody said they want to</p> <p>15 quit in the middle. None of them wants to hang on to</p> <p>16 power and to lobby for votes. It was out of a sense of</p> <p>17 duty. Although none of us want to continue, but we</p> <p>18 cannot let go.</p> <p>19 Apart from the major maintenance project, there were</p> <p>20 also other issues going on in the court. We also want</p> <p>21 to improve relationship between residents. We organise</p> <p>22 a lot of activities.</p> <p>23 I'm not trying to tell you how much work we have</p> <p>24 done. I just want to share with you how difficult it</p> <p>25 is. As a group of residents in Hong Kong, we started</p>	<p>1 very much.</p> <p>2 MR VICTOR DAWES: Mr Tsui, you have submitted a huge amount</p> <p>3 of evidence. Because of time and money -- it covers</p> <p>4 areas that are not the most controversial -- we were not</p> <p>5 able to show all of them. However, the information that</p> <p>6 you submitted is very helpful to help us investigate the</p> <p>7 whole incident. Thank you very much.</p> <p>8 Chair, I have no further questions.</p> <p>9 THE HON MR JUSTICE DAVID LOK: Any representatives who have</p> <p>10 further questions?</p> <p>11 MR COLMAN LI: Chairman, I would like to ask some questions</p> <p>12 regarding the WhatsApp messages.</p> <p>13 Examination by MR COLMAN LI</p> <p>14 MR COLMAN LI: Hello, Mr Tsui. You mentioned that at</p> <p>15 certain period of time you continuously filed your</p> <p>16 complaints to PC&E and there were no follow-up actions.</p> <p>17 You said that you tried to withhold payment.</p> <p>18 I want to show you some WhatsApp messages. I hope</p> <p>19 that it will help the Committee to understand what</p> <p>20 happened back then. I want to go to F4/1518.</p> <p>21 This is one example. Let's look at 12.02. This is</p> <p>22 after a typhoon in 2025. Mr Kong complained to Mr Hau</p> <p>23 in the WhatsApp group about water leakage.</p> <p>24 The next page, 12:16:30. Mr Hau, having received</p> <p>25 the complaints, said to them:</p>

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<p>1 "You should pay first. Without payment, people 2 won't do anything." 3 They've been chasing you for payment of wages; 4 right? 5 MR TSUI MOON COME: Yes. 6 MR COLMAN LI: And then at 12:17:32, Mr Kong complained to 7 Will Power again that there are problems, they need to 8 follow up. And then subsequently members complained 9 about poor workmanship in the works; right? 10 At page 1521, at 12:37:25, Mr Kong said to Mr Hau: 11 "Mr Hau, actually it was made clear to you in the 12 last meeting. For the 14th payment of wages, we would 13 be quite strict. If you do not tackle the problem, even 14 with payment this time, it's very difficult for us to 15 give you payment next time without any improvement or 16 increase in quality." 17 And then Mr Hau said: 18 "Well, the last time there was withholding of 19 payment of wages. I don't understand. Being punctually 20 paid is very important. The workers will be more 21 diligent." 22 And then Mr Hau talked about -- asking payment on 23 time. That's what you were referring to? 24 MR TSUI MOON COME: Right. 25 MR COLMAN LI: About whole payment.</p>	<p>1 House of Wang Fuk Court. However, the location is not a 2 MoE [means of escape] or EVA." 3 That is, the emergency vehicular access. 4 "As such, the complaint is not justified. However, 5 an overall renovation works was noted at Wang Chi House, 6 and hence, fire safety advice was given to the manager, 7 Mr Lai, of the management office. 8 3. The complainant, Mr Leung, was informed of the 9 inspection result on 29.8.2024 at about 14:30 hours by 10 telephone and satisfied with it. 11 4. As view of the above, I suggest NFA the case, 12 please." 13 This is our record. I believe at that time you did 14 not see this record; right? 15 MR TSUI MOON COME: Right. 16 MR CALVIN CHEUK: Now let's go to the next page. This is an 17 internal record of the FSD. It talks about the 18 complaint. The nature is "Obstruction to means of 19 escape", that is, foam board obstructing the fire 20 escape. 21 The next page, the time and date. The date is 22 13 September, Wang Chi House. Photos were taken. The 23 photos show a large amount of foam board blocking the 24 entrance. That's our record. 25 Now let's turn to your record. F3/973, that's the</p>
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<p>1 THE HON MR JUSTICE DAVID LOK: Any other involved parties? 2 MR CALVIN CHEUK: I have some questions on behalf of the 3 Government. 4 Examination by MR CALVIN CHEUK 5 MR CALVIN CHEUK: Thank you for coming to give evidence. 6 I represent the Government. I have some questions for 7 you. 8 WS12, page 2091 is your witness statement. 9 Paragraph 73(2). Here you said that: 10 "On 13 September 2024, Mr Lai, the manager of the 11 management office, in the Wang Fuk Court major 12 maintenance group indicated that the FSD has received 13 complaints in relation to white foam board outside Wang 14 Chi House. They came to the management office to make 15 enquiries. Mr Lai, the manager, indicated that three 16 firefighters, having conducted the inspection at the 17 complex, did not think that there were any problems and 18 they have left." 19 Now I will take you to the document. B2/1737. This 20 is a record of the FSD. Let's look at the information 21 thereon. It says what happened on 13 September: 22 "Inspection was carried out by the undersigned with 23 the TP/HP crew at about 14:10 hours on 13.9.2024. 24 During the time of inspection, a quantity of 25 construction materials was found placed outside Wang Chi</p>	<p>1 page number. This is the Wang Fuk Court major 2 renovation group. Are you a member? 3 MR TSUI MOON COME: Yes. 4 MR CALVIN CHEUK: So you should have seen the message. 5 MR TSUI MOON COME: Right. 6 MR CALVIN CHEUK: It says here it's in relation to 7 13 September 2024, the nature of the visit. The FSD 8 came to the management office to look for me, saying 9 that there was a complaint about the pile of white foam 10 board at block H. I believe that is what was depicted 11 in the photo. 12 "Three firefighters conducted inspection and for 13 that time they did not identify any problems and they 14 left. However, reminder has been given to the 15 contractor that obstructions should not be present and 16 the items should be cleared. Otherwise, there will be a 17 letter sent." 18 So that is in relation to a large amount of foam 19 boards blocking the obstruction? 20 MR TSUI MOON COME: Yes, the nature is obstruction to 21 a pathway. 22 MR VICTOR DAWES: Now let's turn to the second inspection, 23 your statement as well. WS12, page 2097, (3). It says 24 here: what's worth noting is that the FSD did on 25 5 November 2025 go to Wang Cheong House to conduct</p>

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<p>1 inspection from the roof to various floors. Also, on 2 19 September 2024 they went to block E, that is Wang Tai 3 House, to inspect the rooftop and took pictures. At 4 that time, the FSD did not point out the problems about 5 the sealing of windows. 6 So two inspections, one on the 5th and one on the 7 19th. 8 Let's refer to an earlier witness statement. There 9 are more details. WS3, page 1658. Here, (i), it's 10 5 November 2024 at 9.49 am. In relation to the 11 inspection, the second board of MC said in the WhatsApp 12 group that residents of higher flats made a report to 13 the FSD saying that in the early hours they could detect 14 a burning smell. A firefighter went to the rooftop to 15 conduct an inspection all the way to middle to higher 16 floors and they could not find any marks of burnt 17 materials in a location where they could access. And 18 members ask contractors, that is Prestige, to assist to 19 check scaffolding on higher floors to ensure whether 20 there were any burn marks or any other suspicious 21 circumstances. And they later replied that workers from 22 the 31st to the 29th floors have been asked to conduct 23 inspections on these floors. 24 Now let's go to F3/1007. That is annex 37. You 25 have read the WhatsApp message. It is recorded here, on</p>	<p>1 at your witness statement, WS3, page 1658. Here, (iii), 2 it says that: 3 "At 5.57 pm on 19 November 2024, Mr Lai, the manager 4 of the management office, indicated in the WhatsApp 5 group that in the afternoon the firefighters went to the 6 rooftop of block E to take pictures." 7 Let's look at F3/898, the annex. It says here: 8 "In the afternoon firefighters went to the rooftop 9 of block E to take pictures. 10 What is the view of the FS on the solar panels? 11 They were just there to take pictures." 12 You recollect this? 13 MR TSUI MOON COME: Yes. 14 MR CALVIN CHEUK: Let's refer to the record of the FSD. 15 B2/1354. 16 That is our record of our complaint and the result 17 of the inspection. Now let's look at the complaint. In 18 the middle it says: 19 "The complainant only supplied information about 20 a potential fire risk in relation to means of escape at 21 Wang Fuk Court and the photo shows the rooftop, seems 22 like solar panel. Already informed this person and ask 23 a call to be made to 1823 to ask for more information." 24 Do you see that? 25 Now let's turn to the next page. The page after</p>
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<p>1 5 November, it says: 2 "Good morning. Last night a resident of higher 3 floors at Wang Cheong made a report to FSD that there 4 was a burning smell in the middle of the night. The FSD 5 conducted inspection, could not identify the source. 6 However, the FSD said to residents indicated that the 7 smell was strongest around the 30th floor and the FSD 8 had conducted an inspection from the rooftop to middle 9 floors." 10 And the contractor was asked to carry out inspection 11 to see if there was any burning at higher floor 12 scaffoldings. It continued to say: 13 "It happened in the middle of the night but it had 14 nothing to do with workers or works. Residents are 15 asked to be more understanding and it is understandably 16 that they are more sensitive and the workers were asked 17 to do a check." 18 Then the reply was: 19 "Understand. We will tell you after the inspection. 20 Thank you." 21 So is this something to do with foam board stuck on 22 windows because there were inklings that there was 23 a fire in the middle of the night? 24 MR TSUI MOON COME: You can put it this way. 25 MR CALVIN CHEUK: The inspection on 19 November, let's look</p>	<p>1 that. Page 1355. It says: 2 "Regarding the above case, the citizen has made 3 a request/provided additional information for your 4 necessary [information]. 5 Please acknowledge receipt of this referral. Since 6 the citizen has requested not to disclose his/her 7 personal data, please provide your reply at your 8 earliest convenience in the reply slip below in the same 9 language used by the citizen. We will help relay it to 10 the citizen." 11 Let's continue to look through the record at 1359. 12 Here you can see 17 November, a call to 1823, complaint 13 to the FSD. This is what happened afterwards. 14 Page 1367. These are the photos taken on 19 November, 15 Wang Tai House. Solar panels were installed on the 16 rooftop. Let's scroll down. 17 Let me clarify with you that in the inspection of 18 19 November, it's nothing to do with foam boards being 19 stuck on to windows; is that correct? 20 MR TSUI MOON COME: Well, you have cited three examples. We 21 talked about the inspections under the three examples. 22 The complaints made, to do with foam board, solar 23 panels, et cetera. What we're trying to say is that the 24 FSD did come. It's impossible for them not to see the 25 foam boards. So if they identified fire hazard, is it</p>

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1 because the complaint is not about that, that they
 2 ignored it? Say if the complaint is just about the
 3 solar panel, firefighters, if they walk past a location
 4 seeing that the fire service door was open, would they
 5 not say anything? That would not be the case.
 6 What we're trying to say is that perhaps it may not
 7 have a direct correlation. But firefighters did come to
 8 our complex and we called and asked. It's impossible
 9 for them to not tell us whether they did not know that
 10 foam boards could be used or not.
 11 MR CALVIN CHEUK: I understand. Yes, firefighters have
 12 given evidence and statements, but I'm not here to
 13 debate with you about this. What I want to clarify is
 14 that on 19 November the complaint was in relation to
 15 solar panels; right?
 16 MR TSUI MOON COME: Yes.
 17 MR CALVIN CHEUK: I don't have any other questions.
 18 THE HON MR JUSTICE DAVID LOK: Any other questions? Mr Li?
 19 MR LAURENCE LI: I represent the new IO. I believe I'm the
 20 last party to ask questions if no other parties have
 21 questions to ask.
 22 THE HON MR JUSTICE DAVID LOK: Mr Dawes, do you have any
 23 other questions?
 24 MR VICTOR DAWES: Well, I will be the last to ask questions
 25 in accordance with the procedure so let's see if I have

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1 any other questions after you have asked yours.
 2 Examination by MR LAURENCE LI
 3 MR LAURENCE LI: Mr Cheuk, counsel representing the
 4 Government, asked you questions about three complaints;
 5 can you remember? You were not the complainant of the
 6 three complaints; right?
 7 MR TSUI MOON COME: No. I did not make the complaints
 8 personally.
 9 MR LAURENCE LI: The complaints -- well, you gathered what
 10 the complaints were about after having looked at the
 11 relevant documents; right?
 12 MR TSUI MOON COME: Yes.
 13 MR LAURENCE LI: So there's no way for you to verify the
 14 actual content of the complaints; is that right? Do you
 15 agree?
 16 MR TSUI MOON COME: Yes.
 17 MR LAURENCE LI: But we know that there is another complaint
 18 made by one of the members, F3, page 983. Are you aware
 19 of the content of the complaint?
 20 MR TSUI MOON COME: Yes.
 21 MR LAURENCE LI: Did you know when the complaint was made?
 22 MR TSUI MOON COME: Yes.
 23 MR LAURENCE LI: We can see what the complaint is about.
 24 I'm not going to read it out to you.
 25 Now I turn to a different matter. This morning

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1 Mr Dawes, counsel representing the Committee, talked to
 2 you about the sequence/timings of scaffolding, whether
 3 it's to be done together and what the interval is going
 4 to be. You remember?
 5 MR TSUI MOON COME: Yes.
 6 MR LAURENCE LI: You said that you have tried to get the
 7 work to be done in phases but to no avail. The
 8 contractor suggested bringing forward the commencement
 9 date. Do you remember that?
 10 MR TSUI MOON COME: Yes.
 11 MR LAURENCE LI: Now let's look at WS3/1660. It's a
 12 statement you made in relation to the evidential
 13 hearing. In subparagraph (3) on page 1660, it says
 14 that:
 15 "On 21 October 2024 there was a general meeting by
 16 the 12th MC. Prestige suggested that scaffolding work
 17 has already been completed for blocks 3 to 5. As
 18 a result, the scaffolding work of blocks 1 and 2 could
 19 start early in November."
 20 You see that?
 21 MR TSUI MOON COME: Yes.
 22 MR LAURENCE LI: I'm not going to read out the entire
 23 paragraph. It says later that the original schedule was
 24 maintained so the early commencement was not allowed.
 25 This morning, about the rejection of an early start

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1 was one of them -- is it one of them?
 2 MR TSUI MOON COME: One of them.
 3 MR LAURENCE LI: Let's turn to another subject. Not long
 4 ago Mr Dawes SC of the Committee asked you about
 5 a person called Ng Yeuk.
 6 MR TSUI MOON COME: Yes.
 7 MR LAURENCE LI: Your answer was that you didn't know him
 8 and you've never met him; do you remember?
 9 MR TSUI MOON COME: Yes.
 10 MR LAURENCE LI: Mr Dawes then asked what is the role of
 11 Will Power. Do you recall that?
 12 MR TSUI MOON COME: Yes, I do.
 13 MR LAURENCE LI: Mr Dawes showed you something. It's
 14 bundle F4_IO, page 1015. You provided this to the
 15 Committee and that is something from the major
 16 maintenance WhatsApp group. The document is in hundreds
 17 of pages. It's a time earlier on and that is
 18 7 September 2024, if I'm not mistaken.
 19 MR TSUI MOON COME: Right.
 20 MR LAURENCE LI: Let's move on to a lower part. Mr Steven
 21 Choi from Will Power -- there, do you see that?
 22 MR TSUI MOON COME: Yes.
 23 MR LAURENCE LI: 7 September 2024, 2:00:40 pm, you said
 24 that:
 25 "I am the works manager, Steven Choi from

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1 Will Power."
 2 You know him; is that right?
 3 MR TSUI MOON COME: Yes.
 4 MR LAURENCE LI: To my understanding, he claimed he acted on
 5 behalf of Will Power and he has participated all along?
 6 MR TSUI MOON COME: Yes.
 7 MR LAURENCE LI: Another one from Will Power, Mr Yeung, you
 8 know him?
 9 MR TSUI MOON COME: Yes, I do.
 10 MR LAURENCE LI: You've never met Mr Ng Yeuk; is that right?
 11 MR TSUI MOON COME: Yes, never seen him.
 12 MR LAURENCE LI: Since we are in this bundle, let's jump to
 13 page 1057. On 17 September 2024, around 11.26, Steven
 14 Choi from Will Power said this in the WhatsApp group:
 15 "This is our side's view and there is no specific
 16 requirement in law and in accordance with the
 17 requirement, we have called the FSD to understand the
 18 matter and they similarly said that the law didn't
 19 specifically say whether foam boards can be used as
 20 protective materials. The FSD is only concerned about
 21 whether the material will be subject to any external
 22 interference leading to accidents."
 23 You see that?
 24 MR TSUI MOON COME: Yes.
 25 MR LAURENCE LI: And Steven Choi said that he based on the

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1 requirement or the request they have called the FSD to
 2 understand. Whose request?
 3 MR TSUI MOON COME: Our Owners' Corporation. I said that in
 4 the WhatsApp, can you ask the FSD whether the foam
 5 boards could be used.
 6 MR LAURENCE LI: And so this was the reply he gave you?
 7 MR TSUI MOON COME: Yes.
 8 MR LAURENCE LI: Talking about foam boards, I would like to
 9 confirm with you your thinking about foam boards. Let's
 10 look at your witness statement, WS12, page 2090. Your
 11 witness statement section F is about the issue of foam
 12 boards. Do you see that?
 13 MR TSUI MOON COME: Yes.
 14 MR LAURENCE LI: I will not read out the paragraphs word by
 15 word. Paragraph 69:
 16 "To the 2nd MC's understanding, the windows have to
 17 be covered by foam boards. That decision was made and
 18 endorsed by the first MC and the consultant. The second
 19 MC didn't participate in the decision of the choice of
 20 the materials and the procurement process. Afterwards
 21 we have received questions about residents, about the
 22 fire retardancy of the foam boards and there was strong
 23 opposition to the use of foam boards. In the works
 24 regular meetings we have made suggestions multiple times
 25 on using alternative materials."

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1 Do you see that?
 2 MR TSUI MOON COME: Yes.
 3 MR LAURENCE LI: Apart from fire retardancy issue, what
 4 other questions you have?
 5 MR TSUI MOON COME: About the light transmittance level and
 6 fire retardancy.
 7 MR LAURENCE LI: Let's talk about the other paragraph.
 8 "We have considered materials including the 2.5
 9 millimetres thick hollow boards. It is relatively thin
 10 and the protective function is limited and we can't
 11 confirm its fire retardancy feature.
 12 Based on this, the 2.5 millimetre thick hollow
 13 boards could not respond or address the concerns of the
 14 second MC on the fire retardancy issue."
 15 Do you see that?
 16 MR TSUI MOON COME: Yes.
 17 MR VICTOR DAWES: I will talk more about the hollow boards.
 18 Because of this, the second MC has through various
 19 channels enquired the nature of the materials on the
 20 contractors and consultants and to identify other more
 21 fire-retardant materials to cover the windows. Based on
 22 the information at hand at that time, there is no
 23 standards or certification system in relation to
 24 materials covering windows.
 25 Do you see that?

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1 MR TSUI MOON COME: Yes.
 2 MR LAURENCE LI: You said that based on the information on
 3 hand. What do you mean by that? How did you get the
 4 information back then?
 5 MR TSUI MOON COME: I raised the question at the works
 6 meeting. I've asked them to respond on WhatsApp and
 7 then there was another reply that we have seen just now.
 8 MR LAURENCE LI: Generally speaking, the arrangement for
 9 using foam boards as protective measure for windows, the
 10 decision is made by the first MC. On 13 September 2025,
 11 there was a complaint.
 12 According to the FSD's record, actually the
 13 complaint was on some other matters. Let's look further
 14 down. You said:
 15 "The MC and some residents continued to raise
 16 questions on this issue and through the renovation group
 17 and the works meetings and briefings continued to raise
 18 questions with the contractor and consultants and
 19 whether alternative materials could be considered and
 20 also whether the relevant materials have been properly
 21 approved."
 22 I will not go into the details of this paragraph
 23 now.
 24 Page 2093, the fourth paragraph:
 25 "The contractor and the consultant's response was

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1 that there were no legal requirements and there was no
 2 certification system. They have not really addressed
 3 our concern on the fire retardancy performance of the
 4 materials."
 5 Do you see that?
 6 MR TSUI MOON COME: Yes.
 7 MR LAURENCE LI: All along you've been asking that
 8 fire-retardant materials be used, but then you said here
 9 that the contractors and the consultants said that
 10 response was about the fact that there were no legal
 11 requirements or there was no certification system. How
 12 do you interpret the response of the contractor and the
 13 consultants?
 14 MR TSUI MOON COME: That is they refused to change the
 15 materials. They may have other considerations of using
 16 other materials.
 17 MR LAURENCE LI: They refused to change because there would
 18 be other considerations for using materials. What would
 19 be the main reason?
 20 MR TSUI MOON COME: Money.
 21 MR LAURENCE LI: They would opt for the cheaper materials,
 22 in a nutshell. So these would not be the materials that
 23 they have listed in their quotation?
 24 MR TSUI MOON COME: Yes.
 25 MR LAURENCE LI: And then paragraph 74:

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1 "The second MC noted that the contractor during the
 2 chiselling works added in thicker foam boards hollow
 3 boards as a secondary protection."
 4 Do you see that?
 5 MR TSUI MOON COME: Yes.
 6 MR LAURENCE LI: Are these the 2.5 millimetres thick hollow
 7 boards?
 8 MR TSUI MOON COME: No, they are not.
 9 MR LAURENCE LI: What is the difference.
 10 MR TSUI MOON COME: They come with at least 5 mm thickness
 11 and they are very hard. We've tried to test burn them
 12 and they are more fire-retardant.
 13 MR LAURENCE LI: On 17 September, you have actually looked
 14 at that white hollow boards, and you conducted a test
 15 and it was harder and then you tested them. Who did the
 16 test burns?
 17 MR TSUI MOON COME: It was the MC.
 18 MR LAURENCE LI: Because you find these harder hollow boards
 19 and you tried to test burn them?
 20 MR TSUI MOON COME: Yes, correct.
 21 MR LAURENCE LI: And then the second MC also took photos and
 22 videos of the test for reference and records. For this
 23 white hollow boards were not very light transmittant.
 24 They were different from the 2.5 millimetres thick
 25 hollow boards requested by the residents.

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1 Because of their concerns about the fire-retardancy
 2 issues the second MC did not suggest the 2.5 mm hollow
 3 panels be used, but rather the thicker ones should be
 4 used and, the contractor said that because of the
 5 thicker hollow boards, could not be cut to fit the size
 6 on site and could not service the purpose for covering
 7 windows, so they rejected the suggestion.
 8 Let's pause here. Mr Dawes said that this response
 9 was unrelated to your concern about fire retardancy.
 10 Anyway, this was the reply given to you by the
 11 contractor. What did the contractor mean by giving you
 12 this reply?
 13 MR TSUI MOON COME: They didn't want to change it.
 14 MR LAURENCE LI: You believe they didn't want to change it,
 15 why?
 16 MR TSUI MOON COME: Because of money.
 17 MR LAURENCE LI: And the contractor said that they would
 18 reuse the white hollow boards and after they finish work
 19 with the works on certain floors, these hollow boards
 20 would be reused in some other floors.
 21 Mr Dawes asked you about reusing these hollow
 22 boards. Could these respond to your concern about fire
 23 retardancy?
 24 MR TSUI MOON COME: No.
 25 MR LAURENCE LI: Paragraph 77:

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1 "We could not convince Prestige to use a thicker
 2 hollow boards so we switched to exploring using more
 3 fire-retardant foam boards."
 4 In September 2024, in the Wang Kin House office, you
 5 met with Mr Gordon Ho of Prestige, you showed him a
 6 YouTube clip showing more fire-retardant foam boards and
 7 asked whether such materials could be used. You see
 8 that?
 9 MR TSUI MOON COME: Yes, I see that.
 10 MR LAURENCE LI: We see that you did send some YouTube clips
 11 to Gordon Ho. That was in October. Do you remember the
 12 video you sent to him in October is the same as the ones
 13 you sent in September?
 14 MR TSUI MOON COME: They are similar.
 15 MR LAURENCE LI: And Mr Ho said then if they could buy more
 16 fire-retardant foam boards, the new batch of materials
 17 could only be used in the scaffolding work in phases 2
 18 and 3. And for the first phase scaffolding works, the
 19 relevant foam boards have been ordered and the window
 20 closure work has already started. If the materials had
 21 to be changed for the first phase, it will involve extra
 22 manpower and costs and will affect the progress of the
 23 works.
 24 Mr Dawes in his opening address referred to
 25 a WhatsApp communication between you and Mr Ho, and that

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<p>1 was in 2 October. Let's take a look at the WhatsApp. 2 Bundle A2-2, item 119. 3 Mr Tsui, let me remind you, at the early stage of 4 the evidential hearing, the counsel representing the 5 Committee showed the WhatsApp messages in his opening 6 address. There were two versions. One being shown on 7 the screen, and there was another version that he read 8 from the phone. Did you recall that? 9 MR VICTOR DAWES: There was no evidence at that time. 10 MR LAURENCE LI: It was just in Excel format? 11 MR VICTOR DAWES: Well, the version on the mobile phone was 12 passed to us last week only. 13 MR LAURENCE LI: That's all right. 14 Mr Tsui, I'm not so concerned about how many 15 versions there are. Anyway, let's look at the version 16 here on the screen. 17 In this Excel version there are three points, dot, 18 dot, dot. 19 MR TSUI MOON COME: Yes. 20 MR LAURENCE LI: There are three dots there? So the dot, 21 dot, dot represents that there should be other dialogues 22 there. Do you agree? 23 MR TSUI MOON COME: Yes. 24 MR LAURENCE LI: Well, I must say that there is a problem 25 with the extract or summary. I'm not saying that they</p>	<p>1 MR LAURENCE LI: But what were you talking about to 2 Mr Gordon Ho? 3 MR TSUI MOON COME: I was talking about fire retardancy. 4 MR LAURENCE LI: So what do you think about his reply? 5 MR TSUI MOON COME: He couldn't respond to my concern. 6 MR LAURENCE LI: And then you said: 7 "Could you find some foam boards that are not that 8 flammable?" 9 You have considered using thicker white hollow 10 boards. Why didn't you mention this here? 11 MR TSUI MOON COME: Because they have already refused to 12 accede to this request of ours. 13 MR LAURENCE LI: You asked if they can find some less 14 combustible foam boards, and Mr Gordon Ho replies, he 15 said that he could ask the factory once again, "But I 16 cannot guarantee, but it will be fire retardant." How 17 did you feel when you received that? 18 MR TSUI MOON COME: It seems that he is giving excuses, he 19 is reluctant. 20 MR LAURENCE LI: How? 21 MR TSUI MOON COME: He was not sure if it was available. He 22 thought that such foam board was not available so we had 23 to fight for it. 24 MR LAURENCE LI: Before you proposed, they said that you're 25 asking for some fire-retardant foam board.</p>
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<p>1 are deleting anything from the version. All we are 2 saying is that there are these dots, and if the 3 Committee would like to have the full version then they 4 can refer to the full version. I'm not saying that 5 there is any problem with this abstract or summary. 6 Let's move on to the very top part of this page. 7 The relevant conversations are shown on the screen. 8 There are conversations before what is being shown on 9 the screen, but they're not being screened here because 10 it's not related to our present purpose. 11 That starts from 2 October 2024. Do you see that? 12 MR TSUI MOON COME: Yes. 13 MR LAURENCE LI: In your witness statement you gave us some 14 background, remember? 15 MR TSUI MOON COME: Yes. 16 MR LAURENCE LI: Against this background, let's read this. 17 Mr Gordon Ho at 12.30 said: 18 "I would like to clarify, since residents have such 19 a strong views on foam board, can we change to the use 20 of the 2.5 millimetres thick hollow boards in the second 21 and third phases?" 22 Mr Ho made this suggestion. What request can that 23 respond to? 24 MR TSUI MOON COME: That is the request for more 25 light-transmittant materials.</p>	<p>1 MR TSUI MOON COME: Yes. 2 MR LAURENCE LI: How did he respond to that? Before that, 3 when you first proposed looking for some foam board that 4 are fire-retardant, how did he respond? 5 MR TSUI MOON COME: He said that there was no statutory 6 requirement asking for fire retardancy. 7 MR LAURENCE LI: You said that there wasn't a certification 8 system? 9 MR TSUI MOON COME: Yes. 10 MR LAURENCE LI: When you see Gordon Ho's response, you 11 said, "I will give you a video -- you have to provide me 12 with a video footage. If the fire can die out itself, 13 then no certificate is needed." You see? 14 MR TSUI MOON COME: Yes. 15 MR LAURENCE LI: What do you mean? 16 MR TSUI MOON COME: I said that we should not continue to 17 dispute over the previous excuses. They said that there 18 was no statutory requirement and no certificate and 19 I said, even without a certificate, you have to give us 20 a video footage showing that this is some foam board 21 that carries fire retardancy. 22 MR LAURENCE LI: And Mr Gordon Ho sent you some videos and 23 there was also a YouTube link. 24 MR TSUI MOON COME: Yes. 25 MR LAURENCE LI: We have watched it. There was a lady from</p>

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1 Chinese mainland, there was a video that was somewhat
 2 like an advertisement. It was in English language. She
 3 said that, "If you want to purchase this foam board,
 4 maybe you can reach out to me through Alipay or WeChat."
 5 Do you remember that video?
 6 MR TSUI MOON COME: Yes.
 7 MR LAURENCE LI: After you sent this video, what do you
 8 mean?
 9 MR TSUI MOON COME: This is me providing him with
 10 a reference. In the market there is certain foam board
 11 that is less combustible.
 12 MR LAURENCE LI: You continue:
 13 "Of course. Don't be so sloppy. We have to keep
 14 the fire going. We have to see the fire begin. We want
 15 to see, if we take away the naked flame, if the fire can
 16 disappear on its own."
 17 You see that?
 18 MR TSUI MOON COME: Yes.
 19 MR LAURENCE LI: You mentioned about "don't be so sloppy".
 20 What do you mean?
 21 MR TSUI MOON COME: Because there is no certificate, that's
 22 why I asked for a video footage. As explained, the
 23 previous video that he provided only lasts for a number
 24 of seconds. We found that sloppy. That's why I asked
 25 for something different.

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1 MR LAURENCE LI: You were talking about the YouTube video.
 2 We have watched that video. It was in English. It was
 3 like an advertisement. It was burned with a lighter but
 4 it stopped after several seconds.
 5 MR TSUI MOON COME: Yes.
 6 MR LAURENCE LI: You think that video was kind of sloppy?
 7 MR TSUI MOON COME: Correct.
 8 MR LAURENCE LI: There were some deleted parts. There was
 9 another video there but it is okay because, other than
 10 that, there is actually a third video. Mr Gordon Ho
 11 said:
 12 "Copied. If I could not order it, I could use it in
 13 the third phase. But please note that we cannot use it
 14 in the first phase of work."
 15 It was sent at 12.41. Can you see that on the top?
 16 MR TSUI MOON COME: Mmm.
 17 MR LAURENCE LI: At the same time you were sending him
 18 a third video. So it was from you, you sent another
 19 YouTube link, a fire-retardant foam burn test. And
 20 there's a YouTube link. Can you see that?
 21 MR TSUI MOON COME: Yes.
 22 MR LAURENCE LI: We watched this video as well; do you
 23 remember?
 24 MR TSUI MOON COME: Yes.
 25 MR LAURENCE LI: Why would you want to send this to

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1 Mr Gordon Ho?
 2 MR TSUI MOON COME: As a reference, that we are looking for
 3 foam board like that. At least in the video you have to
 4 show that it has been ignited for a period of time and
 5 the fire would disappear without spreading.
 6 MR LAURENCE LI: You mean that in this video it shows that
 7 someone is burning the foam board until it was ignited
 8 and then the lighter was turned off?
 9 MR TSUI MOON COME: Yes.
 10 MR LAURENCE LI: As we can see in the video, the fire on the
 11 foam board would disappear on its own.
 12 MR TSUI MOON COME: Correct.
 13 MR LAURENCE LI: Mr Gordon Ho said:
 14 "Okay. Thank you, chairman."
 15 Can you see that?
 16 MR TSUI MOON COME: Yes.
 17 MR LAURENCE LI: From your understanding, at the end, did
 18 the contractor manage to secure this kind of foam board
 19 that is more fire-retardant?
 20 MR TSUI MOON COME: Yes.
 21 MR LAURENCE LI: So they used it in the second and third
 22 phases of work?
 23 MR TSUI MOON COME: Correct.
 24 MR LAURENCE LI: Let's go back to your witness statement,
 25 WS12/2090, or maybe page 2092 or 2093. Let's go further

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1 down. We have to go past paragraph 79. In paragraph 80
 2 it says:
 3 "Later on, the contractor claimed that they are able
 4 to secure foam board that are more fire-retardant. The
 5 second board has conducted a burn test. According to
 6 the work meeting minutes on 26 October 2024, the new
 7 batch of foam board has arrived and Prestige conducted
 8 test. Results show that it is not combustible."
 9 Can you see that?
 10 MR TSUI MOON COME: Yes.
 11 MR LAURENCE LI: You have included a bundle reference there.
 12 I can tell you that this was a minutes from the works
 13 meeting, not a video footage from that meeting.
 14 Yesterday, Mr Lee gave his evidence. Were you here
 15 yesterday?
 16 MR TSUI MOON COME: Yes.
 17 MR LAURENCE LI: Mr Lee gave his evidence yesterday. He
 18 said he witnessed that burn test. Do you remember?
 19 MR TSUI MOON COME: Yes.
 20 MR LAURENCE LI: That's Mr Lee Kwok Hung. Was Mr Lee Kwok
 21 Hung a committee member?
 22 MR TSUI MOON COME: No.
 23 MR LAURENCE LI: Why would Mr Lee Kwok Hung be able to
 24 witness that test?
 25 MR TSUI MOON COME: As mentioned, the regular works meeting

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<p>1 was conducted every Saturday. We welcome all residents 2 to attend. That's why Mr Lee Kwok Hung would attend. 3 He is very supportive. He attended many works meeting. 4 MR LAURENCE LI: These foam boards were used in the second 5 and third phases of works. In paragraph 81 you said 6 that because Prestige refused to replace the foam board 7 of the first stage of work, therefore, the second board 8 on 4 December, they sent an email to FSD showing the 9 concerns regarding the materials being used. Can you 10 see that? 11 MR TSUI MOON COME: Yes. 12 MR LAURENCE LI: You sent an email on 4 October to the FSD. 13 That was the English email that we just read? 14 MR TSUI MOON COME: Correct. 15 MR LAURENCE LI: You said because Prestige refused to 16 replace the foam board of the first phase of buildings, 17 therefore, the second board sent an email to FSD. Can 18 you explain to us how you see the causal relationship? 19 What were you trying to tell us there? 20 MR TSUI MOON COME: The reason why we issued this email was 21 to seek help from a government department, for example, 22 the FSD. They have to prove that foam board is not 23 appropriate as a material for window sealings during 24 major maintenance project. With that ground, we would 25 request Prestige to replace foam board also for the</p>	<p>1 their own interest, and some are passionate like you, as 2 well as other OC members. It is out of passion that 3 they join. But in Hong Kong we have thousands of OC in 4 operation. To be honest, after this Wang Fuk Court 5 incident, it will be very difficult to invite people to 6 join the OC because there is huge responsibility. But 7 the reality is that there are already thousands of it. 8 From your personal experience, how can you improve 9 the system? Because it is not a responsibility that we 10 can escape. It is one of the purposes. How can we 11 improve the system? You have experience and you are 12 passionate. It would be best for you to give us advice. 13 If you cannot respond to me today, we welcome written 14 submissions from you in the future. I believe that the 15 chairman will agree with it. You can't ask someone who 16 is inexperienced. You experience so many things and you 17 work on the frontline. Can you share with us? 18 MR TSUI MOON COME: Thank you very much for this 19 opportunity. I want to share what I think can be 20 improved. There are two layers to it: first, this 21 particular major maintenance project; second, the daily 22 operation of OC concerns a lot of issues as well. 23 I would like to first talk about my suggestion regarding 24 the major maintenance project. 25 As mentioned, what should be the role of OC</p>
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<p>1 buildings in the first phase so that we don't have to 2 pay additional money on top of the HK\$330 million. That 3 is our purpose. 4 MR LAURENCE LI: The email to FSD, the note has a reply via 5 email. From your understanding, were you aware of any 6 reply from FSD? 7 MR TSUI MOON COME: No. 8 MR LAURENCE LI: Chairman and members, I don't have any 9 further questions. 10 Questions by THE MEMBERS 11 THE HON MR CHAN KIN-POR: I also participated in the MC for 12 my own home. I have participated for many years and we 13 were also doing it as an OC and MC, both as assisting 14 residents to manage the housing complex. This is a 15 communication channel. We don't have any statutory 16 power or responsibility. If the management property 17 company is not cooperative, then you have to fire them. 18 It is hard. 19 On the other hand, the OC has a lot of statutory 20 power as well as responsibility. During major 21 maintenance project, even if you have secured 22 a registered contractor, OC still shoulder the final 23 management responsibility. 24 The problem is in Hong Kong there are numerous OC. 25 Of course we all understand that some would join OC for</p>	<p>1 regarding this project? Do they really have the ability 2 to take care of that? They were not just here to 3 supervise. From drafting the tender, it was already 4 very challenging. I could say that it is next to 5 impossible. If you look at the contract, it is 6 referring to different places, pointing out different 7 shortfalls. Every single point in the contract -- today 8 you see me as someone in the position. There are other 9 people who are interested, but they might not have work 10 experience. I'm not trying to belittle any housewives, 11 but there are people who have no engineering background 12 at all. Is it possible for them to draft the tender? 13 The OC can hire a consultant, but if that is the case, 14 you might end up like me. We have hired a consultant, 15 but we are unable to supervise the tender. We have to 16 look at the source. 17 Regarding major maintenance projects, we required 18 support from the Government. We required independent 19 expert as a third party to review all the documents, 20 including the tender documents, the contract as well as 21 the pricing. 22 All the talking about bid-rigging, this is actually 23 the core of the issues. This project cost 24 HK\$330 million. Is it too costly? Nobody would like to 25 pay that. But URA, they said that there was an</p>

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<p>1 independent expert telling you that \$330 million is 2 reasonable. If it is charged at 290 million, it is a 3 lower level. What is the market value? What should be 4 the market value? Because of bid-rigging, the price 5 level has been pushed up. What would be our reference 6 point? 7 Could we have an independent person to do the 8 calculations? Let's say we are covering 100 metres 9 squared. If we are having that area of mosaic tiles 10 work, then it should cost a certain amount. Then there 11 would be a minimum cost. We should not just leave it to 12 the market. Perhaps there has to be some analysis. If 13 the reference is not the market value but the cost, 14 would it be a more accurate calculation? I could not 15 doubt the pricing offered by URA. But if more 16 statistics can be offered, let's say for Wang Fuk Court 17 project it cost us HK\$280 million, then there would not 18 be that many complaints. The total contract value is 19 about HK\$290 million to HK\$330 million, so the total 20 would be around HK\$300 million. If we could have more 21 information concerning the cost, then it would be a more 22 valid reference. 23 So there are two layers. First of all, the drafting 24 of the tender documents, it is impossible for a regular 25 resident to cover it effectively. We have no choice but</p>	<p>1 my suggestion regarding the major maintenance projects. 2 And also about the improvement on our daily 3 operation. As the OC, I really want to save money for 4 you all. No one wants to see an increase in management 5 fees, but the salary will increase. The only thing that 6 we can do is to cut cost. 7 THE HON MR JUSTICE DAVID LOK: Can I stop you here. There 8 are many areas that you can share. Can you share with 9 us through your lawyers? Perhaps we could leave it till 10 the final submission, because we will be exploring a lot 11 of different ideas. 12 THE HON MR CHAN KIN-POR: Let me add, whether it is the duty 13 of the Incorporated Owners or the Government, in the 14 end, it will be down to the professionals because the 15 Government can't do everything, so it's down to the 16 professionals. They have to be professional. 17 Re-examination by VICTOR DAWES 18 MR VICTOR DAWES: Just a very quick question for you, 19 Mr Tsui. Just now I asked if you've seen Ng Yeuk. It 20 was not a criticism, but do you know who he is? At that 21 time, did you know who he was? 22 MR TSUI MOON COME: The person who signed the document. 23 MR VICTOR DAWES: Before the fire, did you know who Ng Yeuk 24 was? 25 MR TSUI MOON COME: I have never seen him personally.</p>
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<p>1 to rely on the consultant. Second, if we want to 2 prevent bid-rigging, we need to have a more accurate 3 estimation. It should not be too far away from the 4 cost. As a resident, even if we cannot control 5 bid-rigging, then the final cost will not be too far 6 away from the estimated cost. 7 OC has to deal with a lot of complaints, including 8 fire services and smoking issues. After this incident, 9 will there be government departments who improve the way 10 that they conduct regular patrolling or regular checks? 11 I'm not trying to blame the Government, but if we can 12 improve after accidents, we would see progress in our 13 society. 14 We find some loopholes after this incident. Is 15 there something that we can do? For example, the Labour 16 Department, people would not smoke in front of you. 17 Then you will never establish any case. What can we do 18 as the OC? Should we have a heavier penalty? If we can 19 take photographs of people smoking, would we be able to 20 deduct certain marks from the contractors? I just want 21 to explore further. 22 As OC, we have the final supervising power, but I 23 believe that you know that we are no law-enforcing unit. 24 We can only rely on the existing laws, contractual terms 25 as well as the assistance from the Government. This is</p>	<p>1 MR VICTOR DAWES: Just answer my question. 2 MR TSUI MOON COME: No, I did not. 3 THE HON MR JUSTICE DAVID LOK: Any other questions? 4 MR VICTOR DAWES: There is one point for correction. Just 5 now Mr Li talked about a table, that there is something 6 that is skipped without the second YouTube clip. We can 7 see the YouTube clip, but we thought there was no need; 8 that's why it was not typed out. 9 THE HON MR JUSTICE DAVID LOK: There's no need to see it? 10 If that is the case, thank you. Thank you, Mr Tsui. 11 (The witness was released) 12 (4.00 pm) 13 THE HON MR JUSTICE DAVID LOK: That's the end of today's 14 hearing. We will resume on Monday. It will be tougher 15 next week with a hearing on every single day. 16 10 o'clock on Monday. 17 (4.01 pm) 18 (The hearing adjourned until 10.00 am 19 on Monday, 20 April 2026) 20 21 22 23 24 25</p>