

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 17
Wednesday, 22 April 2026**

**Mr Victor Dawes SC, Mr Jason Yu, Mr SW Lee, Mr Jonathan Fung and
Mr John Cheung 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**

Representatives of Department of Justice

Mr Cedric Yeung on behalf of ISS EastPoint Properties Ltd.

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 Wednesday, 22 April 2026</p> <p>2 (10.00 am)</p> <p>3 MR VICTOR DAWES: Good morning, chairman and members. The</p> <p>4 first witness to assist us is Mr Michael Yung Kam Hung.</p> <p>5 Good morning, Mr Yung. Please read out the</p> <p>6 statement before you.</p> <p>7 (10.00 am)</p> <p>8 MR YUNG KAM HUNG, MICHAEL (affirmed)</p> <p>9 Examination by MR VICTOR DAWES</p> <p>10 MR VICTOR DAWES: Thank you. Please have a seat. Mr Yung,</p> <p>11 you are currently assistant director at the Fire</p> <p>12 Services Department. Your area of work is fire safety;</p> <p>13 is that right?</p> <p>14 MR YUNG KAM HUNG: Correct.</p> <p>15 MR VICTOR DAWES: You have served at the FSD for a long</p> <p>16 time. You joined as early as in 1994, so you have been</p> <p>17 serving for more than 30 years?</p> <p>18 MR YUNG KAM HUNG: Correct.</p> <p>19 MR VICTOR DAWES: To assist us, you submitted a witness</p> <p>20 statement. That's WS1, page 89. I believe you agree</p> <p>21 that the information therein is correct; right?</p> <p>22 MR YUNG KAM HUNG: Correct.</p> <p>23 MR VICTOR DAWES: Based on the information from you, your</p> <p>24 area of work is fire safety command.</p> <p>25 MR YUNG KAM HUNG: Yes.</p>	<p>1 MR YUNG KAM HUNG: Correct. That falls under our licensing</p> <p>2 command, so that falls under Mr Keung Sai Ming.</p> <p>3 MR VICTOR DAWES: Under you there are different divisions</p> <p>4 and departments. There's a support division, that's</p> <p>5 relevant to our hearing today.</p> <p>6 MR YUNG KAM HUNG: Correct.</p> <p>7 MR VICTOR DAWES: So that division reviews and updates fire</p> <p>8 safety about buildings. That division also provides</p> <p>9 administrative support to the fire safety command?</p> <p>10 MR YUNG KAM HUNG: That's correct.</p> <p>11 MR VICTOR DAWES: On top of that, they also deal with</p> <p>12 complaints about fire safety at buildings.</p> <p>13 MR YUNG KAM HUNG: That's correct.</p> <p>14 MR VICTOR DAWES: But there is some division of work. So</p> <p>15 for licensed premises, hazardous goods or dangerous</p> <p>16 goods, and also FSI or fire services installations, such</p> <p>17 work falls under Mr Keung Sai Ming instead?</p> <p>18 MR YUNG KAM HUNG: That's correct.</p> <p>19 MR VICTOR DAWES: Under you, there are also two building</p> <p>20 improvement divisions, 1 and 2. Can you tell us how the</p> <p>21 work is divided?</p> <p>22 MR YUNG KAM HUNG: For these building improvement divisions,</p> <p>23 they administer three ordinances, Cap 502, Cap 572 and</p> <p>24 Cap 636. So for buildings that are older, built before</p> <p>25 1987, there is a requirement about improving the fire</p>
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<p>1 MR VICTOR DAWES: The information shows you cover a wide</p> <p>2 area of work. So to give us an idea of your area of</p> <p>3 work, I want to confirm something with you.</p> <p>4 On the web page of the Fire Services Department we</p> <p>5 found the information and this shows your work includes</p> <p>6 performing fire safety-related work based on existing</p> <p>7 policies and guidelines?</p> <p>8 MR YUNG KAM HUNG: Correct.</p> <p>9 MR VICTOR DAWES: Implementing or pursuing studies on fire</p> <p>10 safety?</p> <p>11 MR YUNG KAM HUNG: Correct.</p> <p>12 MR VICTOR DAWES: And also pursuing the most effective fire</p> <p>13 safety measures to support Hong Kong's development?</p> <p>14 MR YUNG KAM HUNG: That's correct.</p> <p>15 MR VICTOR DAWES: I do not propose to go through these</p> <p>16 points one by one because your area of work is so broad.</p> <p>17 For our public hearing your work also includes</p> <p>18 formulating, drawing up fire safety policies and</p> <p>19 standing orders as well as legislation?</p> <p>20 MR YUNG KAM HUNG: Correct.</p> <p>21 MR VICTOR DAWES: Another area of work is investigating fire</p> <p>22 safety complaints about buildings, but this has to do</p> <p>23 with only a subset of buildings. So for licensed</p> <p>24 buildings and dangerous goods, that falls outside your</p> <p>25 purview.</p>	<p>1 safety for these officers. We have two teams of</p> <p>2 officers. For such enhancement work there are many</p> <p>3 procedures involved so we have two divisions.</p> <p>4 The first division is tasked with initial</p> <p>5 inspections and issuing instructions about the specific</p> <p>6 enhancements required for buildings and then the</p> <p>7 officers support these people. Once a consensus is</p> <p>8 forged on the work ahead, then they have to hire</p> <p>9 professionals to submit their building plans.</p> <p>10 Afterwards, building improvement division 2 comes in.</p> <p>11 The second team assists those building owners all the</p> <p>12 way till the fire works are done and the acceptance</p> <p>13 tests are done and that concludes their work.</p> <p>14 MR VICTOR DAWES: Thank you. The divisions under you also</p> <p>15 deal with complaints of various types, so we will need</p> <p>16 your assistance on certain points. As you can see, at</p> <p>17 the public hearing we discussed a major issue: before</p> <p>18 the fire, quite a number of Wang Fuk Court residents,</p> <p>19 and even people who are not residents, lodged complaints</p> <p>20 with departments, including the FSD. They also made</p> <p>21 enquiries about fire risks.</p> <p>22 MR YUNG KAM HUNG: Correct.</p> <p>23 MR VICTOR DAWES: You also see that even up to today, we are</p> <p>24 on the 17th day of the hearing, some people are still</p> <p>25 not sure which department is supposed to handle or</p>

Page 5	<p>1 receive certain complaints about the fire risk, so this</p> <p>2 is a question of purview.</p> <p>3 I would like you to take this opportunity to discuss</p> <p>4 the position of the Fire Services Department. I know</p> <p>5 you explained this matter in part of your witness</p> <p>6 statement, but not every member of the public has had</p> <p>7 a chance to read your statement, so maybe I can invite</p> <p>8 you to discuss this point. I want to stay on topic, so</p> <p>9 there are some detailed questions on which I will need</p> <p>10 your assistance.</p> <p>11 MR YUNG KAM HUNG: Okay.</p> <p>12 MR VICTOR DAWES: From the public hearing we have learned</p> <p>13 that the complaints and the concerns are centred on a</p> <p>14 few points. First, it's about the access openings in</p> <p>15 the fire escape. We discussed that yesterday. In the</p> <p>16 fire escape there are different measures or facilities</p> <p>17 such as the fire-rated door or the smoke stop door.</p> <p>18 Some people worried that the access openings undermined</p> <p>19 the fire escape staircases.</p> <p>20 So for the FSD, when you see this problem, who</p> <p>21 should the residents take the complaints to?</p> <p>22 MR YUNG KAM HUNG: So when it comes to access openings in</p> <p>23 the staircase, Wang Fuk Court is under the Housing</p> <p>24 Bureau, so the complaints should go to the Independent</p> <p>25 Checking Unit.</p>	Page 7	<p>1 fire safety. It appears to me that none of these</p> <p>2 complaints should go to the FSD.</p> <p>3 MR YUNG KAM HUNG: Correct.</p> <p>4 THE HON MR JUSTICE DAVID LOK: Just to be fair to him --</p> <p>5 MR VICTOR DAWES: Point taken. We will go to those points.</p> <p>6 Different aspects are involved. There are some</p> <p>7 details in the case we show that initially the case</p> <p>8 isn't about the FSD but eventually at some point it will</p> <p>9 involve the FSD.</p> <p>10 MR YUNG KAM HUNG: I don't quite follow you.</p> <p>11 MR VICTOR DAWES: So we will come to that later. Let's look</p> <p>12 at your witness statement.</p> <p>13 If I got you right, so there are active and passive</p> <p>14 fire safety divisions, there's a distinction. At our</p> <p>15 previous hearing we heard that. So let's look at</p> <p>16 paragraph 6 of your witness statement on page 91.</p> <p>17 For fire safety in Hong Kong, different government</p> <p>18 departments are involved because each department</p> <p>19 operates within their own legislative framework. So for</p> <p>20 the FSD, you also work with the Buildings Department or</p> <p>21 BD and then you would also have the Independent Checking</p> <p>22 Unit or ICU.</p> <p>23 Now, paragraph 6, here's what it says:</p> <p>24 "From a technical perspective, fire safety in</p> <p>25 buildings can be divided into two categories: active and</p>
Page 6	<p>1 MR VICTOR DAWES: Got it. The next point, the foam boards.</p> <p>2 Someone filed a complaint with the FSD about this. The</p> <p>3 evidence came out. We will show you the evidence and</p> <p>4 the complaint in a moment. Based on what we know now,</p> <p>5 there were concerns from residents before the fire, so</p> <p>6 should these complaints go to the FSD or to the ICU?</p> <p>7 MR YUNG KAM HUNG: To the ICU.</p> <p>8 MR VICTOR DAWES: The scaffold net. I'm sure you have noted</p> <p>9 this point. Some residents tried doing the burning test</p> <p>10 with the scaffolding net. Yesterday we also heard</p> <p>11 evidence -- we got evidence from the Labour Department</p> <p>12 yesterday. They looked at the certificate. So for the</p> <p>13 FSD, which department handles complaints about the</p> <p>14 netting?</p> <p>15 MR YUNG KAM HUNG: Those complaints should also go to the</p> <p>16 ICU.</p> <p>17 MR VICTOR DAWES: Yesterday we discussed another point:</p> <p>18 smoking on a construction site. Some residents took</p> <p>19 pictures showing workers smoking while on the</p> <p>20 scaffolding. Smoking on construction sites is a</p> <p>21 longstanding problem and that has been left unaddressed,</p> <p>22 so where should these complaints go to?</p> <p>23 MR YUNG KAM HUNG: To the Labour Department.</p> <p>24 MR VICTOR DAWES: Please excuse my following question.</p> <p>25 We're looking at these concerns from residents about</p>	Page 8	<p>1 passive fire safety provisions."</p> <p>2 You mention this code of practice for fire safety in</p> <p>3 buildings. That's a document issued by the BD?</p> <p>4 MR YUNG KAM HUNG: That's correct.</p> <p>5 MR VICTOR DAWES: Now, active fire safety provisions, you</p> <p>6 also explain what that includes. Here it says the fire</p> <p>7 alarm system is an example. Such a system can alert</p> <p>8 people early on, and then there's also the sprinkler</p> <p>9 system, extinguishers and also the hose reel system.</p> <p>10 These points are explained in the statement from</p> <p>11 Mr Keung Sai Ming. We also put such questions to him.</p> <p>12 For these active fire safety provisions, so this is</p> <p>13 actually the FSD's work. So this has to do with you?</p> <p>14 MR YUNG KAM HUNG: Correct.</p> <p>15 MR VICTOR DAWES: The legislative basis is in paragraph 8.</p> <p>16 There are codes.</p> <p>17 Now we come to paragraph 9. This is about passive</p> <p>18 fire safety provisions.</p> <p>19 MR YUNG KAM HUNG: Correct.</p> <p>20 MR VICTOR DAWES: So this has to do with the structure of</p> <p>21 the buildings, so this is about the means of escape such</p> <p>22 as the escape staircases, the fire-rated partitions. So</p> <p>23 this protects people from the fire. So in a high rise,</p> <p>24 there may be a storey or a level as a fire refuge.</p> <p>25 MR YUNG KAM HUNG: Correct.</p>

Page 9	<p>1 MR VICTOR DAWES: So you also have fire door here, 2 essentially smoke stop door; right? 3 MR YUNG KAM HUNG: Yes. 4 MR VICTOR DAWES: Based on your account, these are examples 5 of passive provisions. Paragraph 10 is about the role 6 of the BD. Here there are different regulations and 7 ordinances. 8 So can I put it like this: this is about the BD and 9 the ICU when it comes to passive fire safety provisions 10 because they are part of the building? 11 MR YUNG KAM HUNG: That's correct. 12 MR VICTOR DAWES: Now, to be fair to you, do you agree with 13 this: not every passive fire safety provision falls 14 outside the purview of the FSD; is that correct? 15 MR YUNG KAM HUNG: That's right. 16 MR VICTOR DAWES: Let's look at the Fire Services Ordinance. 17 Let's look at your ambit and your powers. You have 18 broad powers. 19 MR YUNG KAM HUNG: That's correct. 20 MR VICTOR DAWES: You are a senior officer. You know Cap 95 21 well. Let's look at bundle B2, page 82. 22 Let's have a look at section 7. Section 7(c): 23 "The duties of the Fire Services Department 24 [include] -- 25 (c) [giving] advice on fire protection measures and</p>	Page 11
Page 10	<p>1 fire hazards as occasion requires". 2 I'm sure you know this well. So this is the legal 3 framework. 4 Let's go to section 2 for the interpretation or 5 definition of "fire hazard". Page 77. There's a broad 6 definition under "fire hazard". Let's look at item (f). 7 So this includes: 8 "... matter or circumstances which materially 9 increases the likelihood of fire or other calamity or 10 the danger to life or property that would result from 11 the outbreak of fire or the occurrence of any other 12 calamity, or which would materially hamper the Fire 13 Services Department in the discharge of its duties ..." 14 So that's something you will look out for in the law 15 in your line of work? 16 MR YUNG KAM HUNG: Correct. 17 MR VICTOR DAWES: On what materially increases the 18 likelihood of a fire and danger to life or property, as 19 you just agreed to, so your concern goes beyond just 20 active provisions? 21 MR YUNG KAM HUNG: Correct. 22 MR VICTOR DAWES: The passive provisions will also have 23 a huge impact on your work under (f) here? 24 MR YUNG KAM HUNG: That's correct. 25 MR VICTOR DAWES: So in practical terms, when fire services</p>	Page 12
	<p>1 officers inspect a place, the officers see problems with 2 the systems, say, for example, the fire alarm system is 3 defective. During that visit you also see something off 4 about the passive systems, say the smoke stop door is 5 left open -- that's a very common problem that shouldn't 6 be happening. 7 MR YUNG KAM HUNG: Right. 8 MR VICTOR DAWES: Or the smoke stop door is broken; do you 9 deal with it yourselves or do you refer the case to the 10 BD or the ICU? 11 MR YUNG KAM HUNG: This depends. For such passive 12 provisions or facilities, they would have a clear 13 division of labour with the BD or the ICU. As I say in 14 my witness statement, we focus on the active part. When 15 it comes to a smoke stop door that's wedged open, we 16 treat that as a fire hazard. So that's the way we split 17 the tasks with different departments. 18 MR VICTOR DAWES: So can I put it like this. I understand 19 that the way you split a task depends on the 20 circumstances. You cannot be too rigid in your written 21 guidelines. But when you see a fire hazard you will 22 follow up? 23 MR YUNG KAM HUNG: That's correct. 24 MR VICTOR DAWES: So after the FSD receives a shutdown 25 notice, you issue advisory letters.</p>	
	<p>1 MR YUNG KAM HUNG: Yes. 2 MR VICTOR DAWES: In this case, the fire hydrant and the 3 hose reel were shut down and you advised additional fire 4 extinguishers? 5 MR YUNG KAM HUNG: Correct. 6 MR VICTOR DAWES: For advisory letters, do those advisory 7 letters cover recommendations for the passive systems or 8 do you focus on the active part and you leave the 9 passive parts to the ICU or the BD? 10 MR YUNG KAM HUNG: So we deal with the active systems and 11 when we see something off with the passive parts, and if 12 this falls under the BD, we alert the BD about that. 13 MR VICTOR DAWES: Going back to the example I just cited, 14 when you see the passive system is broken, advisory 15 letters will stay clear of that and you leave that to 16 the BD? 17 MR YUNG KAM HUNG: Correct. 18 MR VICTOR DAWES: If you assist us here; you mentioned 19 different scenarios. Bundle B2/1656. Are you familiar 20 with this template? On the top, these are measures to 21 be adopted during the FSI shutdown. 22 We go back to the previous pages, 1653. This is in 23 connection with Wang Cheong House. The FSD issued this 24 to the relevant party with the advice. 25 Page 1656. Looking at the content, there are</p>	

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<p>1 a couple of advice. This is standard form, isn't it?</p> <p>2 MR YUNG KAM HUNG: Yes.</p> <p>3 MR VICTOR DAWES: So you would be crossing out the points</p> <p>4 that are irrelevant. And you have to inspect the</p> <p>5 passive fire safety provisions like the fire doors.</p> <p>6 Item 7, rectify active and passive fire services</p> <p>7 provisions. 8, minimise burning load like the storage</p> <p>8 of goods or dangerous goods. Item 8, we're not dealing</p> <p>9 with dangerous goods, are we, because number 9 is</p> <p>10 dealing with dangerous goods?</p> <p>11 MR YUNG KAM HUNG: Not all materials that are combustible</p> <p>12 are defined as dangerous goods, so number 8 refers to</p> <p>13 combustible goods, but they're not dangerous goods.</p> <p>14 MR VICTOR DAWES: Let's say there is a lot of kerosene and</p> <p>15 gas oil, that's dangerous goods.</p> <p>16 MR YUNG KAM HUNG: Correct.</p> <p>17 MR VICTOR DAWES: But timber, that would come under 8?</p> <p>18 MR YUNG KAM HUNG: Correct.</p> <p>19 MR VICTOR DAWES: During the shutdown of the FSIs, you would</p> <p>20 be advising, giving advice.</p> <p>21 MR YUNG KAM HUNG: Yes.</p> <p>22 MR VICTOR DAWES: Regarding combustible materials, and for</p> <p>23 passive safety provisions you would also give advice.</p> <p>24 From your statement, when you deal with complaints you</p> <p>25 refer them to the relevant departments?</p>	<p>1 MR VICTOR DAWES: But from your explanation, in the</p> <p>2 construction site, if flammable construction materials</p> <p>3 are put there, that would pose fire risk. That would be</p> <p>4 for the BD and ICU because they're more familiar with</p> <p>5 these materials?</p> <p>6 MR YUNG KAM HUNG: Yes, that's number one. Second, in terms</p> <p>7 of oversight, they are professional departments, they</p> <p>8 are the BA's. When a construction work is going on,</p> <p>9 we're not sure whether they need these to complete the</p> <p>10 work. We don't have the professional expertise. If we</p> <p>11 just offer the advice to say that they should not be put</p> <p>12 there, that work may not continue, so we would leave it</p> <p>13 to the BA staff.</p> <p>14 MR VICTOR DAWES: Let's cite an example here. Foam boards.</p> <p>15 For Wang Fuk Court, it is HOS; it is for the ICU. We</p> <p>16 looked at section 7 of the FSO a moment ago. Honestly,</p> <p>17 this would have implications on the occurrence of fire,</p> <p>18 on firefighting, on the damage to properties and life</p> <p>19 and limbs. Section 7 doesn't specify that it is your</p> <p>20 area of work, but you have the delineation of work and</p> <p>21 it is your position that the ICU should best deal with</p> <p>22 it?</p> <p>23 MR YUNG KAM HUNG: Yes.</p> <p>24 MR VICTOR DAWES: When we deal with the materials, the</p> <p>25 frontline officers may find some grey areas, there may</p>
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<p>1 MR YUNG KAM HUNG: Yes.</p> <p>2 MR VICTOR DAWES: Look at 7. In a building, if there are</p> <p>3 flammable materials like in this case, some outer wall</p> <p>4 materials protecting the windows, or some materials that</p> <p>5 would be required for the construction work, they would</p> <p>6 pose some fire risk?</p> <p>7 MR YUNG KAM HUNG: Yes.</p> <p>8 MR VICTOR DAWES: Does the FSD have the duty to offer any</p> <p>9 advice?</p> <p>10 MR YUNG KAM HUNG: Regarding the materials? My view is that</p> <p>11 we have a clear delineation of work. So for the passive</p> <p>12 FS provisions, it would be for the relevant departments</p> <p>13 to give advice. It would be more appropriate.</p> <p>14 MR VICTOR DAWES: In other words, in an estate under</p> <p>15 renovation, there are a lot of flammable materials that</p> <p>16 are put there, would you say it would come within the</p> <p>17 purview of the ICU or the BD?</p> <p>18 MR YUNG KAM HUNG: It depends on the materials and the</p> <p>19 quantity of materials. It would be for the ICU or the</p> <p>20 BD. If they are putting these materials at the means of</p> <p>21 escape, we would do something.</p> <p>22 MR VICTOR DAWES: Appreciate that. For the EVA, if this is</p> <p>23 not accessible to the fire engines, you would do</p> <p>24 something.</p> <p>25 MR YUNG KAM HUNG: Yes.</p>	<p>1 be some overlapping areas, and the residents might find</p> <p>2 it difficult to know where they stand. We appreciate</p> <p>3 that there are many different cases.</p> <p>4 On 30 September 2024, at Wang Chi House, Mr So Hiu</p> <p>5 Fung who appeared at the hearing, he rang up the FSD</p> <p>6 hotline to say that, "On the outside outer wall a lot of</p> <p>7 flammable materials are used to seal up the window", and</p> <p>8 that posed fire hazard. The FSD telephonist said that</p> <p>9 your department doesn't have the authority to deal with</p> <p>10 the windows being sealed.</p> <p>11 He rang the FSD again later and the reply was</p> <p>12 exactly the same.</p> <p>13 Let's have a listen to the recording. B7.</p> <p>14 (Video played)</p> <p>15 VIDEO RECORDING: Operator: Complaint hotline?</p> <p>16 Mr So Hiu Fung: I'm So.</p> <p>17 Operator: Mr So.</p> <p>18 Mr So Hiu Fung: In our housing estate renovation is</p> <p>19 going on. Workers are using foam boards to seal up the</p> <p>20 window; would that present any problems?</p> <p>21 Operator: Your point is?</p> <p>22 Mr So Hiu Fung: Foam boards are flammable and they</p> <p>23 using them to seal up the windows, will that present any</p> <p>24 danger?</p> <p>25 Operator: Hang on a sec, please.</p>

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<p>1 And your address? 2 Mr So Hiu Fung: Wang Fuk Court, Tai Po. 3 Operator: Wang Fuk Court. What work is going on? 4 Mr So Hiu Fung: It is a major renovation for the 5 housing estate. 6 Operator: Wang Fuk Court. 7 So there's some works going on for the outer wall? 8 Mr So Hiu Fung: They have to protect the windows 9 and they are using foam boards to seal up the windows 10 and the residents are concerned that the foam boards are 11 combustibile and there will be problems. 12 Operator: Here, as I can see, in relation to 13 windows and materials that are used to seal up the 14 windows, we don't have any particular regulation here. 15 But if you have some concerns, you might wish to lodge 16 a complaint. We're going to arrange for someone to have 17 a look for you. 18 So you're concerned about the substandard materials 19 and we can certainly make arrangement for a visit. Do 20 you want to lodge a complaint? 21 Mr So Hiu Fung: Well, I'll ask the IO to lodge 22 a complaint. I'm not part of the IO. 23 Operator: All right. Thanks very much. Bye. 24 MR VICTOR DAWES: We will deal with this in our evidence. 25 Complaint and enquiry are distinguished so your</p>	<p>1 relevant departments to make sure that the receiving 2 department will understand that there is a clear 3 delineation of work and they will be handling the case, 4 so there will be no question of the complaint or the 5 enquiry falling through the cracks. We will inform them 6 that the case has been referred and they will be 7 following up on this. 8 MR VICTOR DAWES: Let me put it this way. Before and after 9 the fire, we understand that there is need for such 10 a change. 11 MR YUNG KAM HUNG: Yes. 12 MR VICTOR DAWES: But can I say this -- is it correct to say 13 this: from the recordings, the resident brought the case 14 to the FSD and the frontline staff didn't make the 15 referral and there was no guideline for immediate 16 referral. 17 MR YUNG KAM HUNG: Yes. 18 MR VICTOR DAWES: He was asked whether it was an enquiry or 19 a complaint and the resident might not be sure. 20 MR YUNG KAM HUNG: Right. 21 MR VICTOR DAWES: We know what he's talking about definitely 22 has something to do with the fire safety issue. 23 MR YUNG KAM HUNG: Right. 24 MR VICTOR DAWES: So section 7, that seems to be relevant to 25 your work.</p>
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<p>1 colleague asked him whether he was lodging a formal 2 complaint and there would be a different way to handle 3 it. 4 MR YUNG KAM HUNG: Yes. 5 MR VICTOR DAWES: From what you said, this complaint should 6 not have been handled by the FSD, it should be ICU? 7 MR YUNG KAM HUNG: Yes. 8 MR VICTOR DAWES: We appreciate the frontline staff will 9 deal with this in the first instance, but the correct 10 way of dealing with this enquiry is to hand it over to 11 the ICU? 12 MR YUNG KAM HUNG: Yes, that's the ideal way. 13 MR VICTOR DAWES: With the benefit of hindsight, when your 14 colleague received the phone call, he should have said, 15 "I will jot it down and I will refer this to the ICU for 16 you." 17 MR YUNG KAM HUNG: Prior to the fire, when dealing with 18 enquiries, our colleagues will advise the residents to 19 go to the relevant department, but that's not ideal 20 situation, so we have conducted a review. From now on, 21 this is being practised, whether it is complaints or 22 enquiries, if the residents have any questions about 23 fire safety issues, we would seek consent and for 24 referral to be done to the relevant departments. 25 And thereafter, we will be liaising with the</p>	<p>1 MR YUNG KAM HUNG: Right. 2 MR VICTOR DAWES: But at that time, can I say that the 3 guidelines to the frontline staff is by no means clear? 4 MR YUNG KAM HUNG: Yes, you can put it this way. 5 MR VICTOR DAWES: There are some situations, some Wang Fuk 6 residents made complaints about the fire escape route 7 being blocked. You will be handling this? 8 MR YUNG KAM HUNG: Yes. 9 MR VICTOR DAWES: Let's look at another complaint, B2/1738. 10 I'd like to have your assistance there. Further down, 11 please. 12 This is your system record, and the details of the 13 complaints and referrals will be recorded. 14 MR YUNG KAM HUNG: Yes. 15 MR VICTOR DAWES: The telephonist would input this into the 16 computer system? 17 MR YUNG KAM HUNG: Yes. 18 MR VICTOR DAWES: List of referral, Wang Chi House, and the 19 complaint, "Obstruction to means of escape"; foam boards 20 blocking the ingress and egress. 21 MR YUNG KAM HUNG: Yes. 22 MR VICTOR DAWES: 13 September, Mr Leung rang the FSD with 23 this complaint. 24 Page 1739, this is what the situation is like. 25 MR YUNG KAM HUNG: Yes.</p>

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<p>1 MR VICTOR DAWES: These are flammable materials to him and</p> <p>2 he found this problematic so he rang up the department.</p> <p>3 Your internal record is page 1737: inspection,</p> <p>4 13 September. The call came through in the morning and</p> <p>5 inspection took place in the afternoon:</p> <p>6 "However, if the location is not MoE as such the</p> <p>7 complaint is not justified. However, overall,</p> <p>8 renovation was noted at Wang Chi House, and hence, fire</p> <p>9 safety advice was given to the manager, Mr Lai, of the</p> <p>10 management office."</p> <p>11 And thereafter, the complainant Mr Leung was</p> <p>12 informed of the inspection result on 29 August 2024.</p> <p>13 I think it's a typo.</p> <p>14 MR YUNG KAM HUNG: Yes.</p> <p>15 MR VICTOR DAWES: It can't be 29 August.</p> <p>16 Let me put this to you. The complaint is about the</p> <p>17 flammable materials blocking the means of escape and</p> <p>18 this is considered to be unjustified because it is not</p> <p>19 MoE, unlike the staircases.</p> <p>20 MR YUNG KAM HUNG: Right.</p> <p>21 MR VICTOR DAWES: EVA, that's emergency vehicle access, and</p> <p>22 this is meant for the fire engines.</p> <p>23 MR YUNG KAM HUNG: Right.</p> <p>24 MR VICTOR DAWES: Here fire safety advice was given. What</p> <p>25 sort of advice was given to Mr Lai was not recorded.</p>	<p>1 MR VICTOR DAWES: You found foam boards on the ground. This</p> <p>2 was stated in your witness statement in paragraph 20.</p> <p>3 As not everyone has read your witness statement, if</p> <p>4 I could refer you to paragraph 20.</p> <p>5 MR YUNG KAM HUNG: It should be in other paragraphs.</p> <p>6 THE HON MR JUSTICE DAVID LOK: Paragraph 21.</p> <p>7 MR VICTOR DAWES: You have read this. This was in your</p> <p>8 statement. Your saying was that the foam boards were</p> <p>9 not irregularity concerning FSD, so you do not believe</p> <p>10 that it is under the purview of the FSD?</p> <p>11 MR YUNG KAM HUNG: Correct.</p> <p>12 MR VICTOR DAWES: On 3 October you responded to the</p> <p>13 complainant, on B2/1337.</p> <p>14 MR YUNG KAM HUNG: Correct.</p> <p>15 MR VICTOR DAWES: You said this is not an FS irregularity.</p> <p>16 MR YUNG KAM HUNG: Right.</p> <p>17 MR VICTOR DAWES: And you suggested NFA, which means no</p> <p>18 further action?</p> <p>19 MR YUNG KAM HUNG: Correct.</p> <p>20 MR VICTOR DAWES: Could I put it this way. You said no FS</p> <p>21 irregularities. From what I hear you today, the FSD's</p> <p>22 position is that at a construction site, even if you see</p> <p>23 a large amount of combustible materials, even if it</p> <p>24 poses a fire risk. Due to division of work, you would</p> <p>25 not give direct recommendations; instead, you would</p>
Page 22	Page 24
<p>1 MR YUNG KAM HUNG: Right.</p> <p>2 MR VICTOR DAWES: Before the fire, how would you handle</p> <p>3 this? Any difference now.</p> <p>4 MR YUNG KAM HUNG: In contradiction with this complaint?</p> <p>5 Right. This is not in my statement so I haven't really</p> <p>6 gone into this case. But looking at this particular</p> <p>7 record, the complaint is about flammable materials</p> <p>8 suspected to be blocking some means of escape.</p> <p>9 Our colleagues turned up and saw the materials</p> <p>10 there, but they did not block any MoE, nor did they</p> <p>11 block the EVA. So in that case, the complaint was</p> <p>12 considered unjustified, so it is reasonable.</p> <p>13 This is a major construction work and -- the FS</p> <p>14 advice was given to the management office.</p> <p>15 MR VICTOR DAWES: With regard to a complaint like this, any</p> <p>16 difference before and after the fire?</p> <p>17 MR YUNG KAM HUNG: No, no difference.</p> <p>18 MR VICTOR DAWES: We will not look at each and every</p> <p>19 complaint, but if we can look at another case, that one</p> <p>20 is more specific, 20 September, Mr Wong rang 1823. He</p> <p>21 mentioned the foam boards that he burnt. B2/1343, there</p> <p>22 is a record there.</p> <p>23 Please take a look. In relation to this complaint,</p> <p>24 the FSD went down for an inspection.</p> <p>25 MR YUNG KAM HUNG: Correct.</p>	<p>1 refer it to the ICU?</p> <p>2 MR YUNG KAM HUNG: The complainant is worried that those are</p> <p>3 combustible materials and would be used to seal the</p> <p>4 windows. Under our division of work, the most</p> <p>5 appropriate department to deal with it would be ICU.</p> <p>6 For combustible materials placed in open air or in open</p> <p>7 grounds, it could happen anywhere. So that would be</p> <p>8 different.</p> <p>9 MR VICTOR DAWES: So my understanding is that, as it is</p> <p>10 related to construction materials, we would need to look</p> <p>11 at the flammability of the materials. Even though</p> <p>12 you would agree that it is combustible and may pose a</p> <p>13 fire risk, but as it is part of a construction material,</p> <p>14 it would not be something for you to handle?</p> <p>15 MR YUNG KAM HUNG: Yes, because we have our own division of</p> <p>16 work.</p> <p>17 MR VICTOR DAWES: But your saying is "no FS irregularity".</p> <p>18 I understand that this is your internal jargon, but to</p> <p>19 members of the public, having foam boards seal their</p> <p>20 windows would really seem to pose a fire risk. To you,</p> <p>21 due to division of work, you would not handle it?</p> <p>22 MR YUNG KAM HUNG: Yes, we would refer it back to the</p> <p>23 relevant departments.</p> <p>24 MR VICTOR DAWES: We see the records here. Can you explain</p> <p>25 to us what you have done for this case?</p>

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<p>1 MR YUNG KAM HUNG: After our colleague conducted the</p> <p>2 inspection, they believe that it should be handled by</p> <p>3 the ICU and they refer their response to the</p> <p>4 complainant. The complainant knew of it and then we see</p> <p>5 that when the complainant called 1823, this has already</p> <p>6 been referred to the ICU. Our colleague saw from the</p> <p>7 records that 1823 has already referred this case to the</p> <p>8 ICU and so there was no special referral once again.</p> <p>9 MR VICTOR DAWES: Understood. There might be different ways</p> <p>10 of handling now that the new policy is in place; right?</p> <p>11 MR YUNG KAM HUNG: The division of work remains the same but</p> <p>12 our colleague will contact ICU to ensure that the case</p> <p>13 has been received by them and we would also inform the</p> <p>14 complainant.</p> <p>15 MR VICTOR DAWES: There were similar complaints later on.</p> <p>16 For example, B6/4507. We have seen this email earlier</p> <p>17 in our hearing, an email written by a Mr Mak to FSD. He</p> <p>18 is also worried about fire safety regarding foam boards.</p> <p>19 MR YUNG KAM HUNG: Yes.</p> <p>20 MR VICTOR DAWES: In B6/4506, Mr Ng, senior station officer,</p> <p>21 said that fire safety advice was given. It wasn't noted</p> <p>22 here what kind of advice was given. We see from Mr Ng's</p> <p>23 witness statement later on that his advice to the</p> <p>24 complainant was to ask the BD or the Labour Department.</p> <p>25 MR YUNG KAM HUNG: Yes.</p>	<p>1 division of work?</p> <p>2 MR YUNG KAM HUNG: Yes.</p> <p>3 MR VICTOR DAWES: If you look at section 7, it seems that it</p> <p>4 does go under the FSD ambit, it's just that in your</p> <p>5 internal division of work this should be handled by ICU?</p> <p>6 MR YUNG KAM HUNG: Well, yes. If you look at the BO, the</p> <p>7 Building Authority also has a responsibility to handle</p> <p>8 it.</p> <p>9 MR VICTOR DAWES: Yes. Representatives from Will Power and</p> <p>10 PC&E both said they have approached the FSD about this.</p> <p>11 As to what they have done and what advice the FSD has</p> <p>12 given, that's another issue. However, if we only look</p> <p>13 at legislation, we wouldn't know that this does not go</p> <p>14 under the ambit of FSD.</p> <p>15 MR YUNG KAM HUNG: Of course it is reasonable that when we</p> <p>16 talk about fire safety, residents or members of the</p> <p>17 public would think first of all the Fire Services</p> <p>18 Department. That's why after review we decided to refer</p> <p>19 these cases to relevant departments ourselves, because</p> <p>20 we know that members of the public do not know of this</p> <p>21 division of work.</p> <p>22 MR VICTOR DAWES: Yes. Members of the public do not</p> <p>23 understand. Do you agree?</p> <p>24 MR YUNG KAM HUNG: Yes.</p> <p>25 MR VICTOR DAWES: And from the examples I just pointed out</p>
Page 26	Page 28
<p>1 MR VICTOR DAWES: From division of work it seemed that his</p> <p>2 response was appropriate; right?</p> <p>3 MR YUNG KAM HUNG: For Wang Fuk Court he should actually</p> <p>4 approach ICU.</p> <p>5 MR VICTOR DAWES: I'm not criticising here, but it seems</p> <p>6 that frontline personnel may not be too clear on which</p> <p>7 department to refer to. Because they see that it is</p> <p>8 construction material, they're not sure whether they</p> <p>9 should approach BD or LD.</p> <p>10 MR YUNG KAM HUNG: I think colleagues know about this, but</p> <p>11 it may not be clear about whether it goes under BD or</p> <p>12 ICU.</p> <p>13 MR VICTOR DAWES: BD's position is that it should be</p> <p>14 referred to ICU as well?</p> <p>15 MR YUNG KAM HUNG: Yes.</p> <p>16 MR VICTOR DAWES: Mr Ng explained that it is beyond the</p> <p>17 ambit of FSD.</p> <p>18 MR YUNG KAM HUNG: Correct.</p> <p>19 MR VICTOR DAWES: We have seen some WhatsApp group</p> <p>20 communication between Wang Fuk Court residents. When</p> <p>21 they talk about fire safety, the first department they</p> <p>22 would think of is the FSD. We cannot blame the</p> <p>23 complainants.</p> <p>24 MR YUNG KAM HUNG: Right.</p> <p>25 MR VICTOR DAWES: Because we wouldn't know about your</p>	<p>1 earlier, not all cases would be referred to the ICU or</p> <p>2 BD because the frontline personnel may only ask whether</p> <p>3 it is an enquiry or a complaint and the public does not</p> <p>4 know whether they are enquiring or complaining.</p> <p>5 MR YUNG KAM HUNG: Yes, that is the reason why we are now</p> <p>6 going to transfer all cases, regardless of it being an</p> <p>7 enquiry or complaint.</p> <p>8 MR VICTOR DAWES: So for HOS, in future you would refer</p> <p>9 everything to the ICU?</p> <p>10 MR YUNG KAM HUNG: I believe it is reasonable for the public</p> <p>11 to call the FSD. We are looking into how we can improve</p> <p>12 our system in the future.</p> <p>13 THE HON MR JUSTICE DAVID LOK: It seems that we have fallen</p> <p>14 into a grey area. BD/ICU should have better</p> <p>15 communication or there should be a task force to be</p> <p>16 responsible of construction works, as there is huge fire</p> <p>17 risk and it may lead to many consequences.</p> <p>18 MR YUNG KAM HUNG: Yes. We have initiated a discussion with</p> <p>19 the BD to see how we can better divide our work and how</p> <p>20 our two departments can better coordinate with each</p> <p>21 other.</p> <p>22 THE HON MR JUSTICE DAVID LOK: This fire has given rise to</p> <p>23 problems from this grey area.</p> <p>24 MR YUNG KAM HUNG: Right.</p> <p>25 MR VICTOR DAWES: Let's say someone has put flammable</p>

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<p>1 materials around the buildings, yet you wouldn't be able</p> <p>2 to prosecute them; right?</p> <p>3 MR YUNG KAM HUNG: Because the materials are left outside of</p> <p>4 the building?</p> <p>5 MR VICTOR DAWES: Yes.</p> <p>6 MR YUNG KAM HUNG: Correct.</p> <p>7 MR VICTOR DAWES: We will also explore with ICU later. From</p> <p>8 Mr Ku Siu Ping's witness statement in WS1, page 648. Do</p> <p>9 you see Cap 123Q Building (Construction) Regulation? Is</p> <p>10 this under the FSD ambit?</p> <p>11 MR YUNG KAM HUNG: No.</p> <p>12 MR VICTOR DAWES: According to him, foam boards are</p> <p>13 temporary and are not permanent structures, therefore it</p> <p>14 does not go under that regulation. It seems to be the</p> <p>15 position before the blaze.</p> <p>16 If these foam boards are not to standard and it does</p> <p>17 not fall under any department's ambit, then it does seem</p> <p>18 that there seems to be a regulatory gap. It seems that</p> <p>19 the regulatory gap was quite obvious and serious.</p> <p>20 MR YUNG KAM HUNG: I wouldn't think that it's a regulatory</p> <p>21 gap because ICU can make enforcements but I don't think</p> <p>22 I'm in a position to comment on ICU.</p> <p>23 MR VICTOR DAWES: I understand. I understand what you mean</p> <p>24 but now let's move on to another subject on scaffolding</p> <p>25 nets.</p>	<p>1 FSD. Yesterday a witness, Mr Yuen Tsz Lok, said that</p> <p>2 the LD does not have professional expertise and</p> <p>3 therefore they are not able to know of the level of fire</p> <p>4 retardancy so they would ask the BD and FSD for advice.</p> <p>5 Therefore, they actually should not ask the FSD for</p> <p>6 advice. Instead, they should ask the BD, according to</p> <p>7 you?</p> <p>8 MR YUNG KAM HUNG: Yes.</p> <p>9 MR VICTOR DAWES: Yesterday Mr Li Man Pong also gave witness</p> <p>10 statement and our record is WS1/341, paragraph 28. When</p> <p>11 there are complaints received on scaffolding nets,</p> <p>12 they would request for the certificate.</p> <p>13 MR YUNG KAM HUNG: Yes.</p> <p>14 MR VICTOR DAWES: We have discussed how they look at these</p> <p>15 certificates so we're not going to go into this further,</p> <p>16 but they did mention one important point. They said</p> <p>17 that on verifying retardancy certificates, so the Labour</p> <p>18 Department said they could not verify such fire</p> <p>19 retardancy certificates. So let's look at paragraph 30.</p> <p>20 Roughly in the sixth line:</p> <p>21 "The capability of OSO in verifying the authenticity</p> <p>22 of these certificates is restricted by the lack of</p> <p>23 expertise in this regard ..."</p> <p>24 So that means the officers look at the certificates</p> <p>25 and that's it because they cannot verify the</p>
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<p>1 Paragraphs 14 to 17, it seems that it goes under the</p> <p>2 Labour Department and the Buildings Department.</p> <p>3 And you did not participate in setting standards.</p> <p>4 MR YUNG KAM HUNG: We did not participate in setting the</p> <p>5 standards but we believe that there should be a standard</p> <p>6 for the flammability of scaffolding nets.</p> <p>7 MR VICTOR DAWES: In your witness statement, in</p> <p>8 paragraph 15.1, we see APP-70.</p> <p>9 MR YUNG KAM HUNG: Yes.</p> <p>10 MR VICTOR DAWES: I may be wrong, please correct me if I am</p> <p>11 wrong, you would give comments on the flammability?</p> <p>12 MR YUNG KAM HUNG: No. We would look at it from the point</p> <p>13 of view of fire extinguishing because we want to ensure</p> <p>14 there would not be a spread of fire when the nets are</p> <p>15 lit. But this is actually under BD.</p> <p>16 MR VICTOR DAWES: So your view is that it has to be</p> <p>17 fire-retardant because it would affect how the fire</p> <p>18 spreads?</p> <p>19 MR YUNG KAM HUNG: Correct.</p> <p>20 MR VICTOR DAWES: But as to the degree of retardancy,</p> <p>21 you would leave it up to the BD?</p> <p>22 MR YUNG KAM HUNG: Yes.</p> <p>23 MR VICTOR DAWES: I understand this is the view of the FSD</p> <p>24 and I'm sure each department has their own stance.</p> <p>25 Yesterday there were some statements in relation to the</p>	<p>1 certificates themselves.</p> <p>2 On these points, is it the position of the FSD that</p> <p>3 this is a matter for the LD or the ICU and you are not</p> <p>4 in a position to give advice?</p> <p>5 MR YUNG KAM HUNG: On the certificates and the standard, we</p> <p>6 lack the expertise to give advice.</p> <p>7 MR VICTOR DAWES: On standards of the scaffolding net, I</p> <p>8 think I should save those questions for the witness from</p> <p>9 the ICU.</p> <p>10 MR YUNG KAM HUNG: That's correct.</p> <p>11 MR VICTOR DAWES: So can I put this question to you about</p> <p>12 this point. From your evidence, if someone thinks</p> <p>13 something is amiss about the scaffolding nets, there may</p> <p>14 be a fire hazard, people should go to the ICU, in the</p> <p>15 example with Wang Fuk Court, because it's HOS flats.</p> <p>16 MR YUNG KAM HUNG: Correct.</p> <p>17 MR VICTOR DAWES: But then for private housing unit they</p> <p>18 should go to the BD?</p> <p>19 MR YUNG KAM HUNG: Correct.</p> <p>20 MR VICTOR DAWES: In the future, when people have questions</p> <p>21 about the scaffolding nets, you would still refer those</p> <p>22 cases to other departments?</p> <p>23 MR YUNG KAM HUNG: That's correct.</p> <p>24 MR VICTOR DAWES: On testing and on questions of compliance,</p> <p>25 before and after the fire the FSD is not the department</p>

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<p>1 in charge?</p> <p>2 MR YUNG KAM HUNG: That's correct. And we lack the</p> <p>3 expertise.</p> <p>4 MR VICTOR DAWES: Let's look at paragraph 22.2. Before the</p> <p>5 Wang Fuk Court fire there was also a fire at the</p> <p>6 scaffolding of Chinachem Tower.</p> <p>7 MR YUNG KAM HUNG: That's correct.</p> <p>8 MR VICTOR DAWES: For that case, the FSD gave assistance.</p> <p>9 In that case, the FSD ran fire tests with the Buildings</p> <p>10 Department. So there was a test about the scaffolding</p> <p>11 nets originally scheduled for 12 December but then the</p> <p>12 Wang Fuk Court fire came and that test was postponed;</p> <p>13 right?</p> <p>14 MR YUNG KAM HUNG: That's correct.</p> <p>15 MR VICTOR DAWES: So your position on the scaffolding net is</p> <p>16 like this. Before and after the fire, that is beyond</p> <p>17 the purview of the FSD, but the FSD thinks it can give</p> <p>18 assistance, that's why you worked with the BD?</p> <p>19 MR YUNG KAM HUNG: I want to supplement this point. We can</p> <p>20 provide the venue, that's because we have the venue at</p> <p>21 the Fire Services Academy where we can run fire tests.</p> <p>22 That's why we can offer assistance. So we provide the</p> <p>23 venue. And when people have to run a burn test, our</p> <p>24 officers are on standby to ensure safety.</p> <p>25 MR VICTOR DAWES: So when they have to run burning tests,</p>	<p>1 MR VICTOR DAWES: We discussed this point yesterday with the</p> <p>2 witnesses from the Labour Department.</p> <p>3 For the FSD, before the fire, if you received</p> <p>4 complaints about the construction site, did you refer</p> <p>5 these cases to the Labour Department?</p> <p>6 MR YUNG KAM HUNG: If those were complaints, we would refer</p> <p>7 those to the LD.</p> <p>8 MR VICTOR DAWES: What about enquiries, you would not</p> <p>9 necessarily refer those to the LD?</p> <p>10 MR YUNG KAM HUNG: That's correct.</p> <p>11 MR VICTOR DAWES: Let's look at the complaints back then;</p> <p>12 B6/4498. This is a complaint via the OSH platform of</p> <p>13 the government, a complaint against workers smoking at</p> <p>14 Wang Fuk Court. You see that at the bottom?</p> <p>15 MR YUNG KAM HUNG: Yes.</p> <p>16 MR VICTOR DAWES: Something puzzles me. This is something</p> <p>17 for the Labour Department, so this has nothing to do</p> <p>18 with the FSD?</p> <p>19 MR YUNG KAM HUNG: Correct.</p> <p>20 MR VICTOR DAWES: Let's look at page 4495. On 22 July, it</p> <p>21 seems that this complaint coming via the occupational</p> <p>22 safety and health platform, because there was a fire</p> <p>23 hazard, the Labour Department referred the complaint to</p> <p>24 you, to the FSD.</p> <p>25 MR YUNG KAM HUNG: Correct.</p>
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<p>1 they should turn to you?</p> <p>2 MR YUNG KAM HUNG: That's the safe bet. So when we are</p> <p>3 there, we can ensure safety.</p> <p>4 MR VICTOR DAWES: Now I get your position on the scaffolding</p> <p>5 nets, so that should be left to the officers from the</p> <p>6 ICU.</p> <p>7 Another area where the position of the FSD is clear</p> <p>8 is smoking on construction sites. This has to do with</p> <p>9 fire hazard. Whether it's about there are many</p> <p>10 combustible items, smoking on construction sites is a</p> <p>11 problem and people should not come to the FSD for this</p> <p>12 complaint; right?</p> <p>13 MR YUNG KAM HUNG: That's correct.</p> <p>14 MR VICTOR DAWES: For smoking on construction sites, based</p> <p>15 on your earlier reply, people should turn to the Labour</p> <p>16 Department?</p> <p>17 MR YUNG KAM HUNG: Yes.</p> <p>18 MR VICTOR DAWES: Let's look at what happened before the</p> <p>19 fire. We understand there have been improvements but</p> <p>20 let's look at what happened before the fire.</p> <p>21 Paragraph 13 in your witness statement says that under</p> <p>22 Construction Sites (Safety) Regulations 53, when there</p> <p>23 is flammable liquid on a construction site there can be</p> <p>24 restrictions on smoking on such sites.</p> <p>25 MR YUNG KAM HUNG: Yes.</p>	<p>1 MR VICTOR DAWES: Your position is clear. In the top part</p> <p>2 of the page the FSD said it was not for the FSD to deal</p> <p>3 with this?</p> <p>4 MR YUNG KAM HUNG: Correct.</p> <p>5 MR VICTOR DAWES: And we have just discussed this matter.</p> <p>6 It seems that before the fire the LD thought this matter</p> <p>7 should go to the FSD?</p> <p>8 MR YUNG KAM HUNG: I think for certain officers, yes.</p> <p>9 MR VICTOR DAWES: I believe this was not the first instance</p> <p>10 of such incident, but for the general public, when they</p> <p>11 thought about fire hazard, they should turn to the FSD.</p> <p>12 But your position is that's not the right approach?</p> <p>13 MR YUNG KAM HUNG: I haven't had cases referred by the LD to</p> <p>14 us about smoking on construction sites myself.</p> <p>15 MR VICTOR DAWES: Let's look at the referral, the</p> <p>16 information there. Let's look at page 4498. At the</p> <p>17 bottom, the LD referred the case. Here it says, "In</p> <p>18 disregard of the Fire Services Ordinance". So your</p> <p>19 position is the case shouldn't go to the FSD the moment</p> <p>20 someone brings up the Fire Services Department;</p> <p>21 they should look into the facts instead?</p> <p>22 MR YUNG KAM HUNG: Correct.</p> <p>23 MR VICTOR DAWES: I want to be fair to you. If government</p> <p>24 departments are not sure where a complaint should go,</p> <p>25 some referrals may not be appropriate, then we should</p>

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1 not expect the public to be clear on where a complaint
 2 should go and the situation was not acceptable. Do you
 3 agree?
 4 MR YUNG KAM HUNG: I agree.
 5 MR VICTOR DAWES: I will move on to the next topic. Maybe
 6 this is a good time to take a break.
 7 THE HON MR JUSTICE DAVID LOK: So we will take a break of
 8 15 minutes.
 9 (11.08 am)
 10 (A short adjournment)
 11 (11.23 am)
 12 MR VICTOR DAWES: Mr Yung, if you can assist us with the
 13 issue of access openings.
 14 MR YUNG KAM HUNG: Okay.
 15 MR VICTOR DAWES: Is it your position that you have the
 16 staircases for fire escape, the corridor -- as you said,
 17 these are embedded in the structure for Wang Fuk Court;
 18 this is for the ICU.
 19 MR YUNG KAM HUNG: Yes.
 20 MR VICTOR DAWES: The staircases for fire escape, this is
 21 the means of escape under the law. According to
 22 Cap 95F, section 14 of the Fire Services Regulation, if
 23 people put obstacles in the fire escape, this is
 24 criminal. You will be dealing with this?
 25 MR YUNG KAM HUNG: Yes.

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1 MR VICTOR DAWES: Access openings, it is of a different
 2 nature. The consequences may be more serious depending
 3 on the situation. In Wang Fuk Court, the access
 4 openings caused grave danger not only to the residents
 5 but also to your colleagues. We're all agreed.
 6 MR YUNG KAM HUNG: Yes.
 7 MR VICTOR DAWES: From what you said, the FSD conducts the
 8 inspection of the buildings. If you spot this, your
 9 position is that you're not the enforcement department
 10 so you will not be using your authority to issue the
 11 fire hazard abatement notice or instigate prosecution;
 12 you will not?
 13 MR YUNG KAM HUNG: Right.
 14 MR VICTOR DAWES: Let me put this to you. The reason --
 15 looking at the policy papers, B2, page 2172, here this
 16 is the Fire Services departmental policy instructions.
 17 It's internal guidelines. 8.1. It talks about the
 18 efficiency in dealing with issues. 8.1.1:
 19 "High priority which should be investigated within
 20 24 hours with a view to taking immediate action or to
 21 reassigning as normal priority."
 22 So your guidelines require 24 hours in which to deal
 23 with this and if the risk is not high enough, then it
 24 will be relegated to a normal priority?
 25 MR YUNG KAM HUNG: Right.

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1 MR VICTOR DAWES: 8.1.1.3:
 2 "Complaints alleging imminent danger arising from
 3 a situation where in the event of a fire, occupants in
 4 the building under complaint may not be able to escape
 5 to a place of safety or may face a high possibility of
 6 being injured in such an escape ..."
 7 Is it fair to say this: access openings complaints,
 8 referring to 8.1.1.3, looking at this, the access
 9 openings would cause imminent danger? Is it fair to say
 10 this?
 11 MR YUNG KAM HUNG: Correct.
 12 MR VICTOR DAWES: If someone lodges a complaint with you and
 13 the frontline officer sees this, by logical reasoning --
 14 your colleagues have experience with FSI -- they will
 15 find this problematic?
 16 MR YUNG KAM HUNG: Yes.
 17 MR VICTOR DAWES: Someone lodges complaints with the FSD
 18 about these access openings and there is evidence to
 19 show that this kind of openings are not peculiar to
 20 Wang Fuk Court, and it is said that it is a common
 21 practice in the trade. First of all, in your experience
 22 in the FSD, is this really a common sight or common
 23 practice?
 24 MR YUNG KAM HUNG: We don't have the knowledge to say that
 25 this is a common occurrence. I've been with the

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1 department for 31 years. I haven't noticed this.
 2 MR VICTOR DAWES: Your evidence is very clear. Before the
 3 fire in Wang Fuk Court, from your understanding, you do
 4 not see this as a common occurrence because, if it is,
 5 then you have dealt with this because this is an obvious
 6 and major vulnerability.
 7 MR YUNG KAM HUNG: Agree.
 8 MR VICTOR DAWES: Let's refer to the relevant legislation.
 9 Obviously the legislation cannot cover every single
 10 scenario. We look at your policy statement and also the
 11 FSO section 7. This would give rise to an alarm bell;
 12 this is something that would be of concern to you?
 13 MR YUNG KAM HUNG: Indeed.
 14 MR VICTOR DAWES: Can I put it like this. From what you
 15 said, why is there such a problem? First, the FSD
 16 hasn't seen that, in your experience; you're not aware
 17 of this risk. If you were aware of this risk, you would
 18 have dealt with that?
 19 MR YUNG KAM HUNG: Yes, we would have referred this to the
 20 relevant departments. If I may add a little bit here.
 21 On the screen this is about the way in which we deal
 22 with the complaints. The pre-condition is whether this
 23 falls within the purview of the FSD. If it is, then we
 24 will deal with it.
 25 MR VICTOR DAWES: Let me put it this way. If there is an

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<p>1 issue with a fire risk, because of the division of work, 2 it may not be the FSD that deals with it. 3 MR YUNG KAM HUNG: Yes, you may put it this way. It's not 4 because of the division of work that we do not deal with 5 it. It is because of the reason why we have the 6 division of work, it is because we need to have the most 7 appropriate department to deal with it. 8 MR VICTOR DAWES: We're not contradicting one another. 9 MR YUNG KAM HUNG: Right. 10 MR VICTOR DAWES: Because of this division of work you're 11 not dealing with it. You are stating the reason behind 12 it. 13 MR YUNG KAM HUNG: Right. 14 MR VICTOR DAWES: Let's turn to the FSO and also the 15 documents we have. With this division of work we may 16 look at the logic behind it. But before you explain to 17 us, with regard to this division of work, how did it 18 come about in the first place? 19 MR YUNG KAM HUNG: I'm not with you. 20 MR VICTOR DAWES: When you deal with these issues, from what 21 you said, the FSD has a clear position that this is not 22 within your purview; right? 23 MR YUNG KAM HUNG: Right. 24 MR VICTOR DAWES: If I hear you correctly, between the 25 departments there is such an understanding?</p>	<p>1 and we are clear about these kind of understanding. 2 If I may add a little bit here regarding the access 3 openings. Obviously there is a fire risk, a fire 4 hazard, and this is proved by evidence. With the 5 division of work we entrust work to the most appropriate 6 department. They take away the windows and seal up with 7 something else, and if they are using materials that are 8 sufficiently fire-retardant, then it may not cause such 9 a serious situation in a fire. 10 Why the division of work? It's because we do not 11 know that in the construction work whether there is 12 a need for the access openings to facilitate the 13 workers' access. So in the entire construction work, 14 the BA would be supervising this. So that's why we have 15 the division of work. They have the professional 16 expertise and we need to look at the practice. 17 MR VICTOR DAWES: I understand the logic behind it; I'm sure 18 everyone understands this. But what I'm looking at is 19 something else. Departments are not one single person. 20 There are so many colleagues between the departments. 21 There may be different interpretations regarding the 22 duties. Smoking is one issue. Access opening is 23 another one. We are concerned about the access opening. 24 I'm sure you understand that there is implication on 25 people caught in the fire.</p>
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<p>1 MR YUNG KAM HUNG: Yes. 2 MR VICTOR DAWES: So under the law, this is understanding of 3 your respective duties. Are there any papers or any 4 guidelines regarding this division of work? 5 MR YUNG KAM HUNG: Between the departments we are working on 6 basis of the authority conferred upon us by the law and, 7 for these passive FS provisions, the authority goes to 8 the relevant departments. 9 MR VICTOR DAWES: Sorry, you're not answering my question. 10 Maybe I didn't make myself sufficiently clear. My 11 question is: when it comes to complaints, obviously 12 there are fire safety risk. You mentioned the division 13 of work between the departments. Pre-Wang Fuk fire, 14 I know that this may be an interpretation of the law on 15 the part of the departments, but is there anything in 16 black and white to reflect this kind of division? 17 MR YUNG KAM HUNG: Not that I can recall. 18 MR VICTOR DAWES: But how do people know what the division 19 of work is? How would the LD, the ICU know where they 20 stand? If there is nothing in black and white, how 21 would you understand the situation? How would you have 22 this awareness? 23 MR YUNG KAM HUNG: All along this is the cooperation between 24 the departments. Over the years, we do have meetings 25 and discussions. This is an understanding we come to</p>	<p>1 So I think we have to be fair to you. This may be 2 a legislative issue. We have to look at the relevant 3 legislation regarding the division of work. Section 7 4 of the FSO, we have to look at the area you cover, and 5 sections 8 and 9, your powers; you do have the power and 6 authority to deal with this. If you spot this, I'm sure 7 it would raise an alarm bell. 8 MR YUNG KAM HUNG: Right. 9 MR VICTOR DAWES: But from what you said, you're following 10 a logic and you're working on the basis of the 11 experiences of the departments. 12 Prior to the Wang Fuk fire, there were no documents 13 whatsoever explaining the logic underlying this, there 14 was no record at all; can I put it this way? 15 MR YUNG KAM HUNG: Yes. If I may add, in other situations 16 we can see the division of work. One of my areas is 17 upgrading of the old buildings and the windows in the 18 staircases. They used to be openable, but under the 19 ordinance they have to make it a fixed window. The BD 20 and the FSD would issue instructions in our respective 21 areas, and for the windows, it would be for the BD. 22 MR VICTOR DAWES: Well, let me put it this way. In the 23 evidential hearing it shows that all departments agree 24 that things left something to be desired before and 25 things are not good enough. But regarding the division</p>

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<p>1 of work between the departments, would you not dispute</p> <p>2 things left something to be desired?</p> <p>3 You nodded. You have to answer me.</p> <p>4 MR YUNG KAM HUNG: Interdepartmental division of work, they</p> <p>5 understand it's not good enough.</p> <p>6 MR VICTOR DAWES: The communication is not good enough?</p> <p>7 MR YUNG KAM HUNG: Correct.</p> <p>8 MR VICTOR DAWES: And the reason behind that is that</p> <p>9 different departments may have different interpretations</p> <p>10 regarding the law.</p> <p>11 MR YUNG KAM HUNG: Right.</p> <p>12 MR VICTOR DAWES: Chairman, bear with us.</p> <p>13 Very briefly, see whether you can assist us. If</p> <p>14 this falls outside your purview I can put the question</p> <p>15 to other colleagues.</p> <p>16 If you look at the Buildings Ordinance, B2/318,</p> <p>17 16(1)(b)(ii). All buildings have to have the code of</p> <p>18 practice and they have to have the FSI, minimum FSI.</p> <p>19 This is in the Buildings Ordinance but this is also your</p> <p>20 responsibility. You have to deal with that.</p> <p>21 The FSD has the code of practice for minimum FSI.</p> <p>22 MR YUNG KAM HUNG: Yes.</p> <p>23 MR VICTOR DAWES: In the past few weeks, we already know</p> <p>24 that the fire alarm system did not go off during the</p> <p>25 fire, they asked registered fire services contractors to</p>	<p>1 Most of the buildings undergoing major works at the</p> <p>2 moment are older buildings.</p> <p>3 The measures that we can come up with now cannot</p> <p>4 help alleviate fire risk in older buildings. Do you</p> <p>5 have anything to add to that? In other words, yes, we</p> <p>6 can make suggestions or come up with feasible options,</p> <p>7 but there doesn't seem to be anything constructive that</p> <p>8 can really help notify residents of older buildings that</p> <p>9 there is a higher fire risk.</p> <p>10 MR YUNG KAM HUNG: For the fire alarm system, although it's</p> <p>11 not under my purview, Mr Keung is responsible for that.</p> <p>12 According to my understanding, they are looking into</p> <p>13 temporary fire alarm systems, they're exploring feasible</p> <p>14 options on that. I think that they have identified some</p> <p>15 options which they are now discussing with the sector.</p> <p>16 In relation to scaffolding nets, I did suggest</p> <p>17 domestic sprinklers in my witness statement. We are</p> <p>18 looking into when the scaffold is being erected to add</p> <p>19 in some FSIs which can help stop fires from spreading or</p> <p>20 extinguish the fire. But of course it involves many</p> <p>21 other issues, such as investments into these</p> <p>22 installations. Major works is only temporary, therefore</p> <p>23 we need to strike a balance. We need to look at whether</p> <p>24 the older buildings can really support the weight of</p> <p>25 sprinkler systems.</p>
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<p>1 submit notices. We are not going to go into this at the</p> <p>2 moment. We know that there is room for improvement.</p> <p>3 I'm not going to delve into it now, but there is one</p> <p>4 point that relates to your work.</p> <p>5 Mr Keung also agrees that with major works, when</p> <p>6 there are scaffolding nets covering the buildings, the</p> <p>7 fire risk should almost be at a highest level. Do you</p> <p>8 agree with me on that?</p> <p>9 MR YUNG KAM HUNG: Yes.</p> <p>10 MR VICTOR DAWES: During major works being done, we know</p> <p>11 that some of the systems would be shut off and certain</p> <p>12 FS installations may need to be improved. We see that</p> <p>13 the fire alarm has been turned off, the fire hoses did</p> <p>14 not work, and it seems that the only way was to put in</p> <p>15 more fire extinguishers.</p> <p>16 MR YUNG KAM HUNG: Right.</p> <p>17 MR VICTOR DAWES: And so residents do not know that there is</p> <p>18 a higher fire risk.</p> <p>19 MR YUNG KAM HUNG: Correct.</p> <p>20 MR VICTOR DAWES: In paragraphs 18 and 19 of your witness</p> <p>21 statement you said you could suggest installing fire</p> <p>22 detection system and automatic sprinkler systems in the</p> <p>23 newer residential buildings. Of course not all</p> <p>24 buildings will be able to do that.</p> <p>25 We know that Wang Fuk Court was built in the 1980s.</p>	<p>1 At this stage, we have not yet identified the best</p> <p>2 option but we will continue to work on that.</p> <p>3 MR VICTOR DAWES: Thank you.</p> <p>4 THE HON MR JUSTICE DAVID LOK: Questions?</p> <p>5 Questions by THE MEMBERS</p> <p>6 DR REX AU YEUNG PAK-KUEN: Thank you. Mr Yung, this morning</p> <p>7 we spent a lot of time on division of work. I'm sure</p> <p>8 you would also agree with me that when members of the</p> <p>9 public have questions in relation to fire safety, it is</p> <p>10 reasonable to ask the FSD; they would have no idea how</p> <p>11 the division of work is. Under the current mechanism,</p> <p>12 is there a sort of communication between the FSD or the</p> <p>13 IO or the management, who to approach when there is an</p> <p>14 issue of fire safety?</p> <p>15 MR YUNG KAM HUNG: At this stage we do not have such</p> <p>16 a mechanism. We are now going to take extra steps.</p> <p>17 We will try to spread this message to members of the</p> <p>18 public.</p> <p>19 DR REX AU YEUNG PAK-KUEN: Can you tell us more about this</p> <p>20 mechanism?</p> <p>21 MR YUNG KAM HUNG: It is only after the fire that even</p> <p>22 though there have been complaints on fire safety issues</p> <p>23 and they did not receive a response from the FSD, this</p> <p>24 is not ideal. So, starting from this month, we explored</p> <p>25 on how to improve, whether it be enquiry or complaints,</p>

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<p>1 when members of the public approach the FSD, we will 2 seek their consent and then directly refer it to the 3 relevant departments and then contact the departments 4 directly to ensure that the case has been received. And 5 then it would be handled by the most appropriate 6 department. We would then inform the complainant or the 7 enquirer that we have referred the case to the most 8 appropriate department for further handling. 9 THE HON MR CHAN KIN-POR: I would like to follow up on the 10 division of work. You talked about ICU and other 11 departments, some problems cannot be handled by ICU or 12 other departments. When nobody can handle it, then it 13 would be left unresolved. 14 Can you think of a cross-departmental handling of 15 cases where there is a serious fire risk, then something 16 could be done because there would be new risks coming up 17 in the future; do you actually have to enhance it to 18 become a cross-departmental cooperation? The frontline 19 personnel would only follow discussions and guidelines, 20 but for the more senior level, perhaps you could think 21 of a better way. 22 MR YUNG KAM HUNG: Yes. If we believe this case should be 23 under the BD, we would contact them. They could tell us 24 that they're unable to handle it and then of course we 25 will discuss on how to handle the matter. If we're</p>	<p>1 in a building to achieve the fire safety objectives as 2 stated within Subsection A2. The provisions include 3 active fire safety provisions (sprinklers, detectors, 4 alarms etc) and passive fire safety provisions." 5 We see what you mentioned earlier on, active and 6 passive fire safety provisions. According to your 7 understanding, would there be this clear definition for 8 active and passive in black and white? 9 MR YUNG KAM HUNG: Yes. 10 MR JENKIN SUEN: Please turn to page 1154. I'm just citing 11 an example here. Here you can see: 12 "Maintenance and management of fire safety 13 provisions should be carried out through the following 14 means ..." 15 Which mentions the procedures or provisions during 16 maintenance and management. 17 "(a) Passive fire safety provisions at common parts 18 should be inspected and repaired under the Buildings 19 Ordinance ..." 20 Which would probably be in common areas in the 21 building or including the outside of the building, that 22 under the Buildings Ordinance should be inspected and 23 repaired. 24 So which department would be responsible for 25 enforcing this?</p>
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<p>1 unable to identify the most appropriate department or 2 when we are not sure, we would then upgrade this to the 3 deputy director so that the deputy director can discuss 4 with his counterparts on how to better handle the 5 situation. 6 THE HON MR JUSTICE DAVID LOK: Any questions from involved 7 parties? 8 If not, Counsel Suen, please. 9 Examination by MR JENKIN SUEN 10 MR JENKIN SUEN: Thank you. Mr Yung, I would like to follow 11 up on some issues. 12 Chairman and members are concerned about the 13 division of work. Counsel Dawes also asked whether 14 there was, before the fire, anything in black and white 15 in relation to the division of work. 16 I know that the FSD is reviewing and going to try 17 improve in the future. First of all, I would like to 18 take you back to the division of work before the fire. 19 I'd like to take you to B2/1007. This is one of the 20 codes of practice. This is a code of practice by the BD 21 on fire safety in buildings. On page 1007 there is a 22 definition of "fire safety provisions". Let me read it 23 out: 24 "'Fire safety provisions' means the installations, 25 equipments, systems, building elements or methods used</p>	<p>1 MR YUNG KAM HUNG: It would be the BA. 2 MR JENKIN SUEN: So for private estates it would be the 3 Buildings Department? 4 MR YUNG KAM HUNG: Correct. 5 MR JENKIN SUEN: For HOS and public housing estates it would 6 be the ICU? 7 MR YUNG KAM HUNG: Correct. 8 MR JENKIN SUEN: "(b) Active fire safety provisions should 9 be inspected, tested and mind by registered fire service 10 installation contractors under the Fire Service 11 (Installations and Equipment) Regulations ..." 12 These refer to active fire safety provisions which 13 should be handled by registered fire service 14 installation contractors. We have heard from 15 Victory Fire about their being the contractors. These 16 are only some examples. 17 Counsel Dawes just now asked whether there is 18 something black and white in relation to the division of 19 work. From the point of the government, how would you 20 address this question after reading this? 21 MR YUNG KAM HUNG: Different departments would have their 22 own code of practice and we can already see the division 23 of work from the code of practice. 24 MR JENKIN SUEN: Thank you. Even before the fire we see 25 some memos that I would like to discuss with you.</p>

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<p>1 B6/4469. This is from the FSD to BA or BD. These are 2 standard templates of some memos. Let us take a look. 3 Page 4469. It's from FSD to BD. Here there are 4 examples, let's say there are structures on podiums -- 5 to help colleagues referral to BD, then they would take 6 on the templates. 7 MR YUNG KAM HUNG: Yes. 8 MR JENKIN SUEN: One is called the "opening in staircase 9 enclosure". When there are openings, if colleagues are 10 aware of this, then colleagues can also refer this to 11 the BD; am I correct? 12 MR YUNG KAM HUNG: Yes. 13 MR JENKIN SUEN: Counsel Dawes said complaints have been 14 made directly to the FSD on the access openings. We 15 cannot see this here at the moment, but do you recall 16 any complaints on access openings to the FSD? 17 MR YUNG KAM HUNG: I am not aware of that. 18 MR JENKIN SUEN: In order for completeness, I also have some 19 other follow-up questions. Counsel Dawes asked you 20 about an enquiry made by a Mr So, a telephone call made 21 on 13 September which was played just now. It's at B7, 22 page 4539. 23 Going down, here, 02:08, the hotline telephonist, 24 after understanding the situation from Mr So, said that 25 Mr So can lodge a complaint and he can then arrange for</p>	<p>1 to discuss going to the Buildings Department for further 2 enquiries. So this resident did not identify their 3 housing estate and the officer asked Mr So to contact 4 the BD. Was that normal practice? 5 MR YUNG KAM HUNG: That's correct. 6 MR JENKIN SUEN: After the fire, we have a different 7 approach. Would the officer ask for further details? 8 MR YUNG KAM HUNG: Our officers will check with the resident 9 and ask for more information, and once we secure the 10 consent, we refer the case. 11 MR JENKIN SUEN: Now my next question. I just need 12 a second. 13 B6/4495. Mr Dawes asked about this. It was about 14 smoking on construction sites. There was an email sent 15 by the FSD to the Labour Department. For the complaint 16 itself we can refer to page 4498. So the substance of 17 the complaint is that construction workers were smoking 18 while at work in disregard of the Fire Services 19 Ordinance and also in disregard to the safety of the 20 residents. 21 Let's look at page 4495. Here it says -- so this is 22 what the FSD told the LD: 23 "The matter is not under the jurisdiction of the 24 FSD." 25 Let's look at the email dated 22 July from the LD.</p>
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<p>1 someone to inspect it. You said there would be 2 different manners in handling enquiries and complaints 3 just now. 4 MR YUNG KAM HUNG: Yes. 5 MR JENKIN SUEN: In this phone call, Mr So then said 6 he would ask the IO to handle it. Two or three weeks 7 later, another enquiry was made by Mr So. Let's look at 8 the verbatim conversation on page 4541. 9 Mr So made a call to the hotline and we see in 00:06 10 that: 11 "Our housing estate is undergoing major works on the 12 outer wall." 13 He did not mention which estate. He said that some 14 foam boards are used to seal the windows. 15 At 00:27 Mr So said that they are worried about the 16 flammability of the material. 17 At 01:15 the hotline telephonist said that, as there 18 are no regulations on how the windows should be sealed, 19 he can approach BD for assistance. 20 At 01:59 he also said that it should be following 21 guidelines of BD and to suggest Mr So ask BD to inspect 22 the material used to see whether they conform to 23 standards. 24 During the call, Mr So did not say he was staying in 25 Wang Fuk Court, but then in the conversation he went on</p>	<p>1 There's a reference number, LD000102L2KUEGIV, so that's 2 the serial number or reference number in the LD. The LD 3 has a corresponding record and that's in D1/947. 4 So we just saw the email exchange on 22 July. On 5 the side of the LD, they inspected the site on the same 6 day, 22 July. That inspection was in response to a few 7 complaints. On page 949, let's look at the bottom. 8 Complaint case 5. Again there is a reference number 9 LD000102L2KUEGIV. This reference number corresponds to 10 the reference we saw in the email. 11 MR YUNG KAM HUNG: Correct. 12 MR JENKIN SUEN: Let's look at page 950. "Complaint 13 details", just like what we saw before. The LD noted 14 how they handled the complaint. The FSD said the matter 15 was beyond their jurisdiction. So your understanding is 16 that in the end the LD followed up on the matter? 17 MR YUNG KAM HUNG: That's correct. 18 MR JENKIN SUEN: Thank you. No further questions from me. 19 THE HON MR JUSTICE DAVID LOK: Any re-examination? 20 Re-examination by MR VICTOR DAWES 21 MR VICTOR DAWES: Let's look at B6/4469 that was referred to 22 by Mr Jenkin Suen. This is the template of a memo 23 between departments. The heading says "Unauthorised 24 Building Works". 25 So can I put it this way: if I get this right, when</p>

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1 the FSD spot unauthorised building works, the FSD refers
 2 the case to the Buildings Department so they use this
 3 template for the referral. That's because this template
 4 covers the common cases, you can just check the boxes
 5 and the other side will know what you're talking about.
 6 MR YUNG KAM HUNG: That's correct.
 7 MR VICTOR DAWES: I want to explore another point with you.
 8 Here there are some abbreviations. Let's look at the
 9 third box:
 10 "Structure(s) other than floating obstruction in
 11 common corridor/staircase enclosure ..."
 12 Here it says "FHAN". This is the shorthand for fire
 13 hazard abatement notice?
 14 MR YUNG KAM HUNG: That's correct.
 15 MR VICTOR DAWES: So do you agree with this: unauthorised
 16 building works under the law may warrant the attention
 17 of the BD under their own ordinance, meaning the
 18 Buildings Ordinance, so enforcement may be warrant from
 19 the BD, but the unauthorised building works may also
 20 pose a fire hazard. So, under the Fire Services
 21 Ordinance, you also issue a fire hazard abatement
 22 notice?
 23 MR YUNG KAM HUNG: That's correct. But I want to supplement
 24 my response. We had a discussion between the FSD and
 25 the BD. We were clear on which matters fall under the

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1 FSD and which matters fall under the BD. So there was
 2 an agreement. So there's black and white.
 3 MR VICTOR DAWES: I get it. But I want to highlight another
 4 point. The same matter involving unauthorised building
 5 works, this falls under the Buildings Ordinance. The BD
 6 enforces the law, we accept that. But at the same time
 7 this measure can pose a serious fire hazard. The FSD
 8 also has a duty to issue an abatement notice; is that
 9 correct?
 10 MR YUNG KAM HUNG: That's correct.
 11 MR VICTOR DAWES: Let's go back to the access openings. The
 12 BD may be enforcing the law, they may be concerned
 13 whether that is in breach of the Buildings Ordinance or
 14 other ordinances, but when something is an obvious fire
 15 hazard, then the FSD also has the statutory duty to
 16 issue a fire hazard abatement notice.
 17 MR YUNG KAM HUNG: I don't think that's right in this case.
 18 MR VICTOR DAWES: Why?
 19 MR YUNG KAM HUNG: If we see a fire hazard, which it is,
 20 what we can do is to abate the fire hazard. So for this
 21 abatement notice, we call it FHAN, we will request the
 22 reinstatement of the window. But, like I said, we lack
 23 the expertise to determine whether that access opening
 24 is warranted. If there is such a need as part of the
 25 works, then you will see differing practices between two

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1 departments. The FSD asks for removal but the other
 2 department may think that's warranted for the works. So
 3 we should leave that matter to the professional
 4 department. So we would take issue with issuing a FHAN
 5 or the fire hazard abatement notice in that case.
 6 MR VICTOR DAWES: So based on your account today, when you
 7 see this situation, you do not invoke your power under
 8 the Fire Services Ordinance?
 9 MR YUNG KAM HUNG: We don't do that.
 10 MR VICTOR DAWES: Because, as you said, that may lead to
 11 conflicting decisions between different departments?
 12 MR YUNG KAM HUNG: That's correct.
 13 MR VICTOR DAWES: Can I put it this way. We now know the
 14 access openings is a problem because those openings
 15 hampered the effort of fire-fighting and that undermined
 16 the safety of residents. The notices are a separate
 17 matter, but these openings warranted immediate
 18 attention.
 19 MR YUNG KAM HUNG: I agree.
 20 MR VICTOR DAWES: But the problem is nobody knew there were
 21 such access openings?
 22 MR YUNG KAM HUNG: That's right.
 23 THE HON MR JUSTICE DAVID LOK: Other questions?
 24 I think we all agree after hearing the evidence this
 25 morning that the Wang Fuk Court fire holds many painful

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1 lessons for us, many challenges for the Fire Services
 2 Department. The officer here responded to questions
 3 with candour and that helped us see where the problems
 4 lie, and that really helps us in looking at the way
 5 forward.
 6 I want to thank you for giving evidence today. You
 7 are done with your testimony. Thank you.
 8 (The witness was released)
 9 (12.11 pm)
 10 MR VICTOR DAWES: Chairman and members, our next witness is
 11 Mr Herman Hor.
 12 Mr Hor, please read out the statement.
 13 (12.12 pm)
 14 MR HERMAN HOR CHUN WAI (affirmed)
 15 Examination by MR VICTOR DAWES
 16 MR VICTOR DAWES: Thank you. Please have a seat. You are
 17 the deputy commander of a division, Island East.
 18 MR HERMAN HOR: It's Island Central district.
 19 MR VICTOR DAWES: You submitted a witness statement and
 20 that's in WS1/1049. You will confirm that the content
 21 is accurate?
 22 MR HERMAN HOR: I do.
 23 MR VICTOR DAWES: From February 2024 to the end of last
 24 year, you were the station commander of Tai Po Fire
 25 Station?

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<p>1 MR HERMAN HOR: That's correct.</p> <p>2 MR VICTOR DAWES: You handled the complaint to enquiries</p> <p>3 about Wang Fuk Court and you also sent officers to hold</p> <p>4 a fire safety talk?</p> <p>5 MR HERMAN HOR: Correct.</p> <p>6 MR VICTOR DAWES: For the complaint and the enquiries, the</p> <p>7 FSD adopted a different practice after the fire, after</p> <p>8 considering what happened, so I have some questions what</p> <p>9 happened back then. That's to help us to look for ways</p> <p>10 to improve the way we deal with problems. So you can</p> <p>11 take this opportunity to tell us how different the</p> <p>12 approach now is.</p> <p>13 MR HERMAN HOR: Yes.</p> <p>14 MR VICTOR DAWES: Before the fire, the policy appeared to be</p> <p>15 like this. So someone called the FSD, a decision was</p> <p>16 made on whether the call was a complaint or an enquiry.</p> <p>17 A different approach would be taken depending on which</p> <p>18 decision it was.</p> <p>19 MR HERMAN HOR: Right.</p> <p>20 MR VICTOR DAWES: And in deciding whether it was an enquiry</p> <p>21 or a complaint, the frontline operator picking up the</p> <p>22 phone would make the decision. It depends on how they</p> <p>23 viewed the matter?</p> <p>24 MR HERMAN HOR: That's right.</p> <p>25 MR VICTOR DAWES: And there was a performance pledge. When</p>	<p>1 details?</p> <p>2 MR HERMAN HOR: This was not a requirement.</p> <p>3 MR VICTOR DAWES: After receiving the email, the FSD sent</p> <p>4 a station officer to check, that's to assess whether</p> <p>5 there was blockage of the emergency vehicle access.</p> <p>6 MR HERMAN HOR: Yes.</p> <p>7 MR VICTOR DAWES: Is it because you saw the picture and you</p> <p>8 got worried?</p> <p>9 MR HERMAN HOR: They would put items on the site, so I sent</p> <p>10 someone to check. That's to determine whether putting</p> <p>11 the objects there would block the emergency vehicle</p> <p>12 access or block the means of escape. So I instructed</p> <p>13 the officer to have a look and then report back to me.</p> <p>14 MR VICTOR DAWES: Got it. So this is the first example of</p> <p>15 the enquiries about the maintenance at Wang Fuk Court.</p> <p>16 Now let's look at case 5. In paragraph 8 of your</p> <p>17 witness statement, this enquiry came on 4 September</p> <p>18 2024. It was an email from Link Property Management</p> <p>19 Services Ltd. So there was obstruction of the corridor.</p> <p>20 Paragraph 8 has this to say. So they didn't want</p> <p>21 Mills barrier there to disrupt the firefighting efforts</p> <p>22 or getting in the way of residents?</p> <p>23 MR HERMAN HOR: So we first got a call and then came the</p> <p>24 email. The management company wanted to know if they</p> <p>25 could put Mills barriers in the location mentioned in</p>
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<p>1 there was immediate danger or imminent danger to life,</p> <p>2 then within 24 hours an officer would be on the scene.</p> <p>3 Can I put it that way?</p> <p>4 MR HERMAN HOR: Yes.</p> <p>5 MR VICTOR DAWES: But if it was an enquiry, no officer would</p> <p>6 visit the site; the FSD simply called back to find out</p> <p>7 how things were?</p> <p>8 MR HERMAN HOR: That's correct.</p> <p>9 MR VICTOR DAWES: For the complaints you dealt with, the</p> <p>10 approach is like this. Paragraph 6 in your witness</p> <p>11 statement says this. This is case 3. So the FSD</p> <p>12 received an email with a photo. D6/4490, we will see</p> <p>13 that photo. 4493.</p> <p>14 This is about Prestige Construction & Engineering,</p> <p>15 this came from Prestige. This shows the location where</p> <p>16 they planned to put the bamboo scaffolding. So as a</p> <p>17 matter of law and your practice, when does a contractor</p> <p>18 provide such details to the FSD?</p> <p>19 MR HERMAN HOR: So this does not come as a complaint.</p> <p>20 MR VICTOR DAWES: Point taken.</p> <p>21 MR HERMAN HOR: The contractor tells us there will be works.</p> <p>22 They will put the bamboo poles there. From my</p> <p>23 experience, the normal practice, contractors do not</p> <p>24 always let us know.</p> <p>25 MR VICTOR DAWES: So this contractor voluntary gave you the</p>	<p>1 the email. For that case I asked the watch commander to</p> <p>2 take a look. That's to determine whether they would</p> <p>3 block the EVA or the access road.</p> <p>4 MR VICTOR DAWES: So can I put it this way. We looked at</p> <p>5 the details. Of most concern to the FSD is blockage of</p> <p>6 emergency vehicular access or means of escape. So when</p> <p>7 you see something like that, you will send someone to</p> <p>8 the scene?</p> <p>9 MR HERMAN HOR: If it's a complaint and the details on hand</p> <p>10 clearly show all -- when we have suspicion, we will send</p> <p>11 someone there. If there is a complaint, we send an</p> <p>12 officer there within 24 hours.</p> <p>13 MR VICTOR DAWES: For this complaint, your evidence says you</p> <p>14 sent Mr Cheng and another officer surnamed Mak to the</p> <p>15 scene. They talked to the management company, they said</p> <p>16 they could not put the Mills barriers there and cause</p> <p>17 obstruction.</p> <p>18 MR HERMAN HOR: So they asked us whether they could put the</p> <p>19 Mills barriers. Our reply was where they could not put</p> <p>20 the Mills barriers. If the Mills barriers would block</p> <p>21 the EVA, we would not allow that.</p> <p>22 MR VICTOR DAWES: In this case, you didn't go there?</p> <p>23 MR HERMAN HOR: No.</p> <p>24 MR VICTOR DAWES: Let me turn to finally another case which</p> <p>25 seems to be a complaint. That's paragraph 10, B6/4509.</p>

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<p>1 Further down, please.</p> <p>2 "Fire risks at Wang Fuk Court". That's the title,</p> <p>3 the subject, and there are some screenshots of Facebook</p> <p>4 and some chats with the residents.</p> <p>5 The complaint includes some of the smoking issues.</p> <p>6 In paragraph 11 in your statement you send a senior</p> <p>7 station officer to follow up?</p> <p>8 MR HERMAN HOR: In my statement I said that I didn't</p> <p>9 instruct him to go. There was another colleague, he's</p> <p>10 our subordinate. I was on annual leave and I returned</p> <p>11 on 14 October. On the 14th, Mr Hui, senior station</p> <p>12 officer, reported this to me.</p> <p>13 MR VICTOR DAWES: You also said or mentioned the way the</p> <p>14 department dealt with this. B6/4508, this is your reply</p> <p>15 to the complainant.</p> <p>16 For these complaints, we understand that you were</p> <p>17 the station commander of the Tai Po Fire Station. What</p> <p>18 is your mechanism to ask this? You are the station</p> <p>19 commander. It's not the usual situation that you would</p> <p>20 reply to a complaint, or is it the usual practice?</p> <p>21 MR HERMAN HOR: For this case it was sent to the station</p> <p>22 commander. I would make a reply. And if I reply to</p> <p>23 a complainant, I would reply in my capacity as station</p> <p>24 commander.</p> <p>25 MR VICTOR DAWES: Here you said you gave some fire safety</p>	<p>1 anything, but we nonetheless try to figure out how we</p> <p>2 could render assistance. So what's decided, they will</p> <p>3 approach the management office for something to be done.</p> <p>4 MR VICTOR DAWES: In this particular case, was it referred</p> <p>5 to the LD?</p> <p>6 MR HERMAN HOR: Not for this one.</p> <p>7 MR VICTOR DAWES: I appreciate the frontline officers may</p> <p>8 not be well up in the kind of departments that should</p> <p>9 handle the cases, but from your colleagues, there is</p> <p>10 a mechanism for this. Prior to the fire, in terms of</p> <p>11 smoking, your colleagues might sometimes deal with some</p> <p>12 smoking issue?</p> <p>13 MR HERMAN HOR: In this case, we made no referral to the</p> <p>14 Labour Department. Construction site safety, the Labour</p> <p>15 Department would oversee that, but in this case we</p> <p>16 didn't make the referral.</p> <p>17 MR VICTOR DAWES: This is by no means a criticism. They</p> <p>18 contacted the contractor and the management office, and</p> <p>19 this is really something good. But it also shows that</p> <p>20 the frontline officers before the fire didn't have</p> <p>21 a clear idea which department would handle certain</p> <p>22 things.</p> <p>23 MR HERMAN HOR: They would be working on the basis of their</p> <p>24 experience.</p> <p>25 MR VICTOR DAWES: There is another thing you did do. In</p>
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<p>1 advice to the contractor and also the management office</p> <p>2 for them to coordinate the contractor regarding fire</p> <p>3 safety issues. I know that this is what your</p> <p>4 subordinates did. For these complaints, they are dealt</p> <p>5 with by different departments, but in connection with</p> <p>6 smoking, we can see that you will communicate with the</p> <p>7 individuals. As to how this is done, it would depend on</p> <p>8 your frontline officers?</p> <p>9 MR HERMAN HOR: Right.</p> <p>10 MR VICTOR DAWES: So it's not the case that you would offer</p> <p>11 any advice regarding smoking, but we heard that your</p> <p>12 understanding is that smoking doesn't fall within the</p> <p>13 purview of the FSD.</p> <p>14 MR HERMAN HOR: Right. If I may supplement. After these</p> <p>15 incidents, in terms of referral, we have stepped up the</p> <p>16 mechanism. Mr Yung has already mentioned that; I don't</p> <p>17 propose to repeat it. We need their consent to make</p> <p>18 sure that the case can be referred to the relevant</p> <p>19 departments. So we will decide which department to</p> <p>20 refer the case to.</p> <p>21 MR VICTOR DAWES: I think we are approaching this from the</p> <p>22 residents' point of view. When it comes to a complaint</p> <p>23 against smoking, your colleagues will offer some advice?</p> <p>24 MR HERMAN HOR: Yes. In this case, yes. My subordinate</p> <p>25 reported this to me. Under the law, we can't do</p>	<p>1 Wang Fuk Court you did organise a fire safety talk.</p> <p>2 About 100 people attended. Did you handle this?</p> <p>3 MR HERMAN HOR: No. It was my colleague who handled this.</p> <p>4 MR VICTOR DAWES: Would you let us know, for this fire</p> <p>5 safety talk, under what circumstances would this be</p> <p>6 held?</p> <p>7 MR HERMAN HOR: The FSD does have some avenues for members</p> <p>8 of the public to apply. They can put in application for</p> <p>9 the fire stations to host a fire safety talk or fire</p> <p>10 drills. When the fire stations receive these</p> <p>11 applications, the station officer on duty will be</p> <p>12 communicating with the applicant about the timing, about</p> <p>13 the specific requirements, and we try to cater for their</p> <p>14 needs in organising these talks.</p> <p>15 For the frontline fire stations, these kind of talks</p> <p>16 are a regular occurrence.</p> <p>17 MR VICTOR DAWES: So it doesn't mean that if there is a</p> <p>18 major renovation, under the regulation you would host</p> <p>19 certain fire safety talks, so it all depends on whether</p> <p>20 there are people putting in applications?</p> <p>21 MR HERMAN HOR: Right. Yes, for the major renovation for</p> <p>22 housing estates, yes.</p> <p>23 MR VICTOR DAWES: "Yes", you mean they have to make an</p> <p>24 application?</p> <p>25 MR HERMAN HOR: Yes, they do.</p>

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<p>1 MR VICTOR DAWES: This is something that you have to review. 2 For places where there is a high risk of fire, these 3 kind of talks and drills would be warranted. 4 MR HERMAN HOR: We would identify certain places like 5 hospitals. We would take initiative. 6 MR VICTOR DAWES: Yes, certain specific facilities or 7 certain target groups you would, but for major 8 renovation of buildings, where there is a need for talks 9 and drills -- 10 MR HERMAN HOR: Yes, this is something we would enhance. 11 MR VICTOR DAWES: Finally, you're the former station 12 commander of the Tai Po Fire Station. Wang Fuk Court in 13 Tai Po is a pretty large housing estate, everybody who 14 lives in Tai Po would know that, and they're undergoing 15 renovation together. You can look at it from the MTR 16 station, and the renovation is taking a long time. 17 MR HERMAN HOR: Yes. 18 MR VICTOR DAWES: All the eight blocks have been scaffolded 19 up. For the Tai Po Fire Station, we understand you have 20 your procedures and you did have your own 21 considerations. The blocks undergoing renovation, were 22 there any measures or any instructions to step up 23 inspection of Wang Fuk Court? 24 MR HERMAN HOR: Step up? No, no. 25 MR VICTOR DAWES: I think we have to follow the procedures.</p>	<p>1 MR NG WING KWONG (affirmed) 2 Examination by MR VICTOR DAWES 3 MR VICTOR DAWES: First, simple issues for you. You dealt 4 with some complaints relating to Wang Fuk Court and you 5 are the senior station officer of the fire station. 6 MR NG WING KWONG: Right. 7 MR VICTOR DAWES: You were promoted to your present rank in 8 2020. Were you the watch commander of the Tai Po Fire 9 Station? 10 MR NG WING KWONG: Yes, when I received that. 11 MR VICTOR DAWES: Page 1055 of your statement, you can 12 confirm the accuracy of this statement? 13 MR NG WING KWONG: Yes. 14 MR VICTOR DAWES: You dealt with a complaint. We can see 15 your name in the email. B6/4506. 16 This is your email? 17 MR NG WING KWONG: Yes. 18 MR VICTOR DAWES: Further down, please. Further. There is 19 a Mr Mak lodging a complaint. 20 MR NG WING KWONG: Yes. 21 MR VICTOR DAWES: This Benny Mak wrote to an FSD email. Is 22 this Tai Po Fire Station email? 23 MR NG WING KWONG: That's another substation, Tai Po East 24 substation. 25 MR VICTOR DAWES: But you handled this yourself?</p>
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<p>1 The Tai Po residents -- if we get it right, this is one 2 of the largest renovation projects for a housing estate; 3 right? 4 MR HERMAN HOR: Yes. 5 MR VICTOR DAWES: Everybody can see this, nobody has taken 6 initiative to get that inspection? 7 MR HERMAN HOR: Right. If I may supplement here. For this 8 renovation there was a contingency plan. 9 MR VICTOR DAWES: You explained that that contingency plan 10 was about the firefighting. But fire prevention? 11 MR HERMAN HOR: No. 12 MR VICTOR DAWES: I've got no further questions. 13 THE HON MR JUSTICE DAVID LOK: Other involved parties, any 14 questions? 15 If not, Mr Jenkin Suen? 16 MR JENKIN SUEN: No. 17 THE HON MR JUSTICE DAVID LOK: Thank you very much, Mr Hor. 18 (The witness was released) 19 (12.32 pm) 20 MR VICTOR DAWES: The next witness is Mr Ng Wing Kwong. 21 Mr Ng. 22 MR NG WING KWONG: Yes. 23 MR VICTOR DAWES: Mr Ng, like other witnesses, would you 24 please read out the declaration. 25 (12.33 pm)</p>	<p>1 MR NG WING KWONG: Yes. I was tasked to do it by my senior. 2 MR VICTOR DAWES: This is about the issue of foam boards. 3 We did examine the policies. To determine whether this 4 is a complaint or enquiry, is it your job to do it? 5 MR NG WING KWONG: At that time, I tried to find Mr Mak to 6 clarify what the nature of the issue was. If we can 7 activate the mechanism to handle it as a complaint, 8 we would treat it as a complaint. 9 MR VICTOR DAWES: So it was you who handled this, it was you 10 who decided whether it was an enquiry or a complaint? 11 I know that there are different ways of dealing with 12 this under the mechanism. 13 MR NG WING KWONG: Yes. 14 MR VICTOR DAWES: You may wish to explain to us regarding 15 this email. You heard his explanation. You classified 16 that as an enquiry? 17 MR NG WING KWONG: Yes. Because he mentioned the issues 18 about the oversight of a construction work and the 19 management of a site. That's my interpretation. 20 MR VICTOR DAWES: Regarding the construction work and also 21 the management, you regard it as an enquiry. Is this a 22 usual practice or is it an unusual practice? 23 MR NG WING KWONG: This is how I handled in accordance with 24 the departmental guidelines. If they want some service, 25 we will make available the service.</p>

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<p>1 MR VICTOR DAWES: The way in which this is dealt with is</p> <p>2 different. You were dealing with the supervision of</p> <p>3 a construction project and you regarded it as enquiry</p> <p>4 and you said you were acting in accordance with</p> <p>5 departmental guidelines?</p> <p>6 MR NG WING KWONG: Right.</p> <p>7 MR VICTOR DAWES: In other words, when it comes to the</p> <p>8 construction project, the guidelines would regard this</p> <p>9 as enquiry?</p> <p>10 MR NG WING KWONG: Yes, correct.</p> <p>11 MR VICTOR DAWES: What did the guidelines say as to how we</p> <p>12 differentiate between complaints or enquiries? Do we</p> <p>13 have really clear-cut guidelines or is it on the basis</p> <p>14 of experience?</p> <p>15 MR NG WING KWONG: My understanding is that in the</p> <p>16 guidelines, if there are provisions, we will deal with</p> <p>17 them in accordance with the provisions. If we cannot</p> <p>18 handle them, we would make referral.</p> <p>19 MR VICTOR DAWES: Maybe I didn't make myself sufficiently</p> <p>20 clear. Are you saying that there are guidelines in</p> <p>21 black and white, that if the complaints are about the</p> <p>22 construction work or the site supervision, then</p> <p>23 they would be regarded as enquiry instead of complaint?</p> <p>24 Are there specific guidelines that say this?</p> <p>25 MR NG WING KWONG: The guidelines would specify what we can</p>	<p>1 a building, then it would be followed up by BD.</p> <p>2 I believe that these are similar and so the complainant</p> <p>3 should approach the BD.</p> <p>4 MR VICTOR DAWES: For sign boards on external walls, then</p> <p>5 that's another matter; this has nothing to do with major</p> <p>6 works on buildings.</p> <p>7 MR NG WING KWONG: Correct.</p> <p>8 MR VICTOR DAWES: You've been sitting here this morning and</p> <p>9 we have gone through some documents. Are you referring</p> <p>10 to documents that we have already touched on or are</p> <p>11 there other documents?</p> <p>12 MR NG WING KWONG: Same documents.</p> <p>13 MR VICTOR DAWES: So when you refer to guidelines, you're</p> <p>14 referring to what we have already seen this morning and</p> <p>15 not other documents? You are sure that the documents</p> <p>16 were the ones we have already seen on the screen earlier</p> <p>17 this morning?</p> <p>18 MR NG WING KWONG: I'm not too sure, but I have heard of the</p> <p>19 guidelines and I follow the department guidelines.</p> <p>20 MR VICTOR DAWES: And in paragraph 8 of your statement:</p> <p>21 "In response to the smoking issue, I advised</p> <p>22 [Mr Mak] ... to urge the contractor to enforce</p> <p>23 strict ... management ..."</p> <p>24 There is no need for you to directly refer the case</p> <p>25 to the LD, you just need to give advice to the enquirer;</p>
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<p>1 do. If we cannot handle, we would refer this to the</p> <p>2 relevant departments. This is my understanding.</p> <p>3 MR VICTOR DAWES: In paragraph 6 of your witness statement,</p> <p>4 you said you talked to Mr Mak via the phone. He talked</p> <p>5 about his concerns of fire risk if there is smoking</p> <p>6 found on the site. Can you add anything to the</p> <p>7 conversation?</p> <p>8 MR NG WING KWONG: No.</p> <p>9 MR VICTOR DAWES: Going further down, you suggested him to</p> <p>10 contact BD or the LD?</p> <p>11 MR NG WING KWONG: Correct.</p> <p>12 MR VICTOR DAWES: You advised him to contact the BD and LD</p> <p>13 because you believe that smoking and foam boards are not</p> <p>14 under your ambit and therefore you suggest him to</p> <p>15 contact other departments?</p> <p>16 MR NG WING KWONG: Correct.</p> <p>17 MR VICTOR DAWES: I would like to know more about the</p> <p>18 guidelines given by the FSD. On referring complaints to</p> <p>19 LD and BD, what kind of guidelines do you have? Is this</p> <p>20 usual practice or this is told to you by your</p> <p>21 supervisors?</p> <p>22 MR NG WING KWONG: It's from our experience, and we also</p> <p>23 have guidelines on the division of work between</p> <p>24 different departments. For outer wall -- for example,</p> <p>25 advertisements that cover the entire outer wall of</p>	<p>1 am I correct?</p> <p>2 MR NG WING KWONG: I suggested the enquirer to contact 1823</p> <p>3 or to directly contact the LD.</p> <p>4 MR VICTOR DAWES: So if you lodge a complaint via 1823, then</p> <p>5 all the departments will know of the case?</p> <p>6 MR NG WING KWONG: Correct.</p> <p>7 MR VICTOR DAWES: B2/1397. We see a memo. Let's look at</p> <p>8 the bottom-right corner. This is signed by you.</p> <p>9 MR NG WING KWONG: Yes.</p> <p>10 MR VICTOR DAWES: This is in relation to the SDN submitted</p> <p>11 on 4 April 2025 and you said here that you received SDNs</p> <p>12 in April and May and you came up with advisory letters.</p> <p>13 MR NG WING KWONG: Yes.</p> <p>14 MR VICTOR DAWES: Let me show you the two SDNs so you know</p> <p>15 which ones I'm referring to. B2/1405. Take a look at</p> <p>16 the bottom right.</p> <p>17 The stamped date, the beginning of the shutdown and</p> <p>18 the expected completion date, this is submitted by</p> <p>19 Victory Fire.</p> <p>20 MR NG WING KWONG: Correct.</p> <p>21 MR VICTOR DAWES: Down to page 1407, we see SF251.</p> <p>22 MR NG WING KWONG: Yes.</p> <p>23 MR VICTOR DAWES: The other SDN, page 1559. From 16 May to</p> <p>24 29 May.</p> <p>25 MR NG WING KWONG: Yes.</p>

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<p>1 MR VICTOR DAWES: Page 1570. You see in part 2 "Checking FS 2 water tank", and to the right "Water leakage, see 3 part 3". And in part 3 it says "1 FS water tank". 4 There's water leakage and there's a need to repair. 5 MR NG WING KWONG: Correct. 6 MR VICTOR DAWES: Let's go back to 1397. Looking at the 7 date of the memo, it's 29 December 2025. So this was 8 after the fire and it was a recording of what happened 9 six months ago. So why did you send out this memo after 10 half a year? 11 MR NG WING KWONG: This was the instruction given to me by 12 my supervisor. 13 MR VICTOR DAWES: This was not something you would need to 14 prepare usually? 15 MR NG WING KWONG: Yes. 16 MR VICTOR DAWES: This is an additional document? 17 MR NG WING KWONG: Yes. 18 MR VICTOR DAWES: We can see that the first SDN on 4 April, 19 paragraph 3: 20 "Upon receipt of the FSI [SDN] ... an initial 21 inspection was duly conducted at the subject premises by 22 TP/MP crews and the inspection was duly reported in 23 the ... System." 24 If you look at the records, it will be on page 1390. 25 Are you talking about this particular record?</p>	<p>1 MR VICTOR DAWES: Why is it recorded as a major defect? 2 MR NG WING KWONG: In 4.2.16 there are some deficits found. 3 It was seen as major defect. We wanted immediate 4 measures to be taken, which is to put in fire 5 extinguishers. 6 MR VICTOR DAWES: You would see it as a major defect on 7 paper, yet when the inspection was conducted, you didn't 8 really check whether there is the major defect. You 9 rely on the submission given by the contractor? 10 MR NG WING KWONG: Yes, we rely on the information given by 11 the contractor. 12 MR VICTOR DAWES: The contractor said there is water leakage 13 and so you classified the water leakage as a major 14 defect? 15 MR NG WING KWONG: Yes. There is a list on what is 16 classified as major defects. 17 MR VICTOR DAWES: Before the fire you would rely on the 18 information given by contractors. Even if you conduct 19 an on-site inspection, you would not verify the 20 information given by them? 21 MR NG WING KWONG: We would communicate with the management 22 office. 23 MR VICTOR DAWES: There may be inconsistencies by different 24 witnesses. The major defect is on water leakage on the 25 FS tank, but it seems that nobody has checked whether</p>
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<p>1 MR NG WING KWONG: For 4 April, yes. 2 MR VICTOR DAWES: Back to page 1397. There should be 3 a second SDN. Upon receipt of the shutdown notice, 4 there is one on 16 May: 5 "... an initial inspection was duly conducted at the 6 subject premises ..." 7 So this is the second inspection. And the record 8 should be on page 1547; am I correct? 9 MR NG WING KWONG: The date is correct. 10 MR VICTOR DAWES: In relation to the two initial 11 inspections, did you conduct this investigation 12 yourself? 13 MR NG WING KWONG: No. 14 MR VICTOR DAWES: So the inspection would encompass checking 15 the suspension of the systems? 16 MR NG WING KWONG: Yes. The contractor would tell us that 17 the systems have been suspended and we would go check 18 it, and then we would provide the contractors with 19 remedial measures. 20 MR VICTOR DAWES: Let's look at page 1547. We see from 21 records: 22 "... DPI 4.2.16, the defect of the ... system was 23 classified as major defect." 24 Do you see that? 25 MR NG WING KWONG: Yes.</p>	<p>1 there is such a leakage on the FS tank. 2 MR NG WING KWONG: We would not check the FS tank. 3 MR VICTOR DAWES: You would rely on the information given by 4 the contractor, and when you conduct the on-site 5 inspection, there is no requirement to verify the 6 information given by the contractor, can I say that? 7 MR NG WING KWONG: Yes. 8 MR VICTOR DAWES: After initial inspection, you provided 9 advisory letter. B2/1550. There is no dispute, as you 10 have recorded it in your memo, that you suggested 11 appropriate standby means to be put in the premises, 12 which today we know refers to putting fire 13 extinguishers. 14 MR NG WING KWONG: Yes. 15 MR VICTOR DAWES: I understand that you work at the 16 frontlines. From your understanding, there is no 17 requirement for you to verify the information given by 18 the contractor even though you conduct initial 19 inspections? 20 MR NG WING KWONG: After we receive shutdown notices, 21 we would inspect it and look at what would happen in the 22 initial 60 days and then, after 60 days, another team 23 would follow up. 24 MR VICTOR DAWES: Well, you said you need to verify the 25 defects, but it seems that your guidelines did not</p>

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<p>1 instruct you to check and verify the information because</p> <p>2 you rely on the information given by the contractors.</p> <p>3 Can I put it this way?</p> <p>4 MR NG WING KWONG: Yes.</p> <p>5 MR VICTOR DAWES: You may not be able to provide us with an</p> <p>6 answer. You went down for an inspection, but you're not</p> <p>7 able to tell us why you didn't check whether there is</p> <p>8 really water leakage at the tank?</p> <p>9 MR NG WING KWONG: Yes.</p> <p>10 MR VICTOR DAWES: I do not have other questions.</p> <p>11 THE HON MR JUSTICE DAVID LOK: Questions from involved</p> <p>12 parties?</p> <p>13 If there are no other questions, thank you, Mr Ng,</p> <p>14 for coming in to give evidence.</p> <p>15 (The witness was released)</p> <p>16 (12.55 pm)</p> <p>17 THE HON MR JUSTICE DAVID LOK: There seems to be more</p> <p>18 witnesses from the FSD. They do have different people</p> <p>19 to come answer our questions. That is the reason why</p> <p>20 there are more witnesses from this department.</p> <p>21 MR VICTOR DAWES: Chairman, to be fair, we are talking about</p> <p>22 a fire here, and of course there would be more witnesses</p> <p>23 from the FSD. We have sent out a few letters to the</p> <p>24 FSD. I cannot tell you the exact number of witnesses</p> <p>25 from the FSD coming in at the moment.</p>	<p>1 MR FOK CHUN MING: Yes, I do.</p> <p>2 MR VICTOR DAWES: I want to explore two aspects with you.</p> <p>3 First, on the day of the fire, on the instruction of the</p> <p>4 Director of Fire Services, at 3.20 pm a director's</p> <p>5 command post was set up and you were in command?</p> <p>6 MR FOK CHUN MING: Correct.</p> <p>7 MR VICTOR DAWES: Not everyone has had a chance to read your</p> <p>8 witness statement. This director's command post isn't</p> <p>9 set up whenever a blaze happens, so I want to take this</p> <p>10 opportunity to invite you to explain what happened on</p> <p>11 that day, your duties. You mentioned this in your</p> <p>12 witness statement so I want to guide you through this</p> <p>13 process.</p> <p>14 Your first witness statement, in paragraph 4, this</p> <p>15 director's command post, or DCP in short, was the top</p> <p>16 command centre on that day?</p> <p>17 MR FOK CHUN MING: Correct.</p> <p>18 MR VICTOR DAWES: It wasn't on the site of Wang Fuk Court?</p> <p>19 MR FOK CHUN MING: No.</p> <p>20 MR VICTOR DAWES: Where was it?</p> <p>21 MR FOK CHUN MING: It was on the second floor of the Fire</p> <p>22 Services Headquarters.</p> <p>23 MR VICTOR DAWES: Paragraphs 4 to 15 say this: this</p> <p>24 director's command post played a key role. Can you</p> <p>25 explain the duties of the DCP?</p>
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<p>1 The telephonist from the call centre did their work</p> <p>2 according to their guidelines, and I can say that we did</p> <p>3 not invite many of the firemen who gave evidence</p> <p>4 because, after reading the statements, we did not</p> <p>5 believe there is such a need to invite them in.</p> <p>6 THE HON MR JUSTICE DAVID LOK: All right. Let's adjourn now</p> <p>7 and resume at 2.15 in the afternoon.</p> <p>8 (12.56 pm)</p> <p>9 (The luncheon adjournment)</p> <p>10 (2.15 pm)</p> <p>11 MR VICTOR DAWES: So the last witness to give evidence</p> <p>12 today, Mr Fok Chun Ming.</p> <p>13 Mr Fok, just like what others did, please read out</p> <p>14 the statement before you.</p> <p>15 (2.15 pm)</p> <p>16 MR FOK CHUN MING (affirmed)</p> <p>17 Examination by MR VICTOR DAWES</p> <p>18 MR VICTOR DAWES: Thank you. Please have a seat. Mr Fok,</p> <p>19 we know you joined the Fire Services Department in 1998.</p> <p>20 In 2024 you were promoted to your current position which</p> <p>21 is deputy chief fire officer.</p> <p>22 MR FOK CHUN MING: That's correct.</p> <p>23 MR VICTOR DAWES: You prepared two witness statements. You</p> <p>24 got a chance to read that again and you can confirm the</p> <p>25 content in the statements is accurate?</p>	<p>1 MR FOK CHUN MING: The DCP was tasked with assisting the</p> <p>2 director with monitoring the site information and</p> <p>3 deploying resources. We also gathered information on</p> <p>4 the fire scene. We sent the information to the senior</p> <p>5 management and also other government departments. When</p> <p>6 needed, the DCP arranged extra resources for the</p> <p>7 frontline officers in firefighting and rescue efforts.</p> <p>8 MR VICTOR DAWES: So the DCP was set up back then and then</p> <p>9 you made the final decisions on resources' deployment?</p> <p>10 MR FOK CHUN MING: There is a standing mechanism in the</p> <p>11 department. For different levels of fire, there's PDA.</p> <p>12 So we deployed those appliances or vehicles in line with</p> <p>13 established practice or pre-defined appliances and then,</p> <p>14 in other cases, when we saw the need for special</p> <p>15 vehicles or manpower on the fire scene, the DCP also</p> <p>16 deployed such resources accordingly. And then in a</p> <p>17 third kind of scenario, say there's a shortage of</p> <p>18 resources on the scene for firefighting or</p> <p>19 reinforcement, then we ask the Fire Services</p> <p>20 Communications Centre to deploy extra resources to help.</p> <p>21 MR VICTOR DAWES: Your witness statement, in particular</p> <p>22 paragraph 5, has this to say. There is a bit of a</p> <p>23 ranking -- so there was a tier 1 response. So this was</p> <p>24 the early stage. When the fire was above No. 3 alarm,</p> <p>25 early on you get a tier 1 response.</p>

Page 85	<p>1 MR FOK CHUN MING: For No. 3 alarm fire, the DCP wasn't</p> <p>2 necessary per se, but in special cases of No. 3 alarm</p> <p>3 fire, yes.</p> <p>4 MR VICTOR DAWES: At 3.02 pm it was No. 3 alarm and then the</p> <p>5 DCP was set up at 3.20 pm, as you said. So the DCP</p> <p>6 isn't set up automatically?</p> <p>7 MR FOK CHUN MING: Indeed. We only set up the DCP on the</p> <p>8 director's instruction.</p> <p>9 MR VICTOR DAWES: Paragraph 6 has this to say: at 3.20 pm,</p> <p>10 it was a tier 2 response.</p> <p>11 MR FOK CHUN MING: Correct.</p> <p>12 MR VICTOR DAWES: Can you explain why, what was the</p> <p>13 reasoning behind that?</p> <p>14 MR FOK CHUN MING: When the FSD handles a fire, when we come</p> <p>15 across a serious fire of concern to the public, the FSCC</p> <p>16 would have the communication system like WhatsApp in the</p> <p>17 community. We would disseminate the information and</p> <p>18 assess the situation of the fire on the scene. We</p> <p>19 decided the situation was pretty serious, so when the</p> <p>20 fire was upgraded to No. 3 alarm, we immediately</p> <p>21 assessed the situation in the FSCC. We noticed a</p> <p>22 special situation, and that is we received a lot of</p> <p>23 assistance calls asking SAR team to rescue. We don't</p> <p>24 normally have such a huge volume of assistance calls.</p> <p>25 In light of our experience, we decided that it was an</p>	Page 87	<p>1 failed.</p> <p>2 MR VICTOR DAWES: How did you communicate with the</p> <p>3 frontline? You said that you have the FSD messenger.</p> <p>4 It is somewhat akin to WhatsApp that we are using.</p> <p>5 MR FOK CHUN MING: Right.</p> <p>6 MR VICTOR DAWES: But you have the security reason. So in</p> <p>7 terms of functionalities, similar to WhatsApp.</p> <p>8 MR FOK CHUN MING: Right.</p> <p>9 MR VICTOR DAWES: When there is message from the frontline</p> <p>10 to the DCP, would they be using the FSD messenger?</p> <p>11 MR FOK CHUN MING: It all depends on the messages. If it is</p> <p>12 operational messages, they would do it by radio.</p> <p>13 MR VICTOR DAWES: More direct.</p> <p>14 MR FOK CHUN MING: Yes.</p> <p>15 MR VICTOR DAWES: What about others?</p> <p>16 MR FOK CHUN MING: In some other situations, if they</p> <p>17 disseminate supplementary information, they would use</p> <p>18 telephone to talk with the seniors. If they want to</p> <p>19 send the photos from the scene, they would use an FSD</p> <p>20 messenger.</p> <p>21 MR VICTOR DAWES: There is a question. In the DCP, you're</p> <p>22 not on the scene. You have to keep an eye on the scene.</p> <p>23 Do you have any images sent back to you?</p> <p>24 MR FOK CHUN MING: Yes, we have the drone system which</p> <p>25 disseminates the images to the DCP.</p>
Page 86	<p>1 unusual fire so we decided to activate the DCP.</p> <p>2 MR VICTOR DAWES: In paragraph 7 of your witness statement</p> <p>3 and elsewhere you said that DCP would normally be</p> <p>4 undertaken by your rank.</p> <p>5 MR FOK CHUN MING: Yes.</p> <p>6 MR VICTOR DAWES: Normally two ranks below you?</p> <p>7 MR FOK CHUN MING: Right. Normally it is a senior division</p> <p>8 officer.</p> <p>9 MR VICTOR DAWES: In this case we understand it was an</p> <p>10 extraordinary situation, so the director appointed you</p> <p>11 to handle it?</p> <p>12 MR FOK CHUN MING: Yes.</p> <p>13 MR VICTOR DAWES: 3.20, DCP was activated. Is it the case</p> <p>14 that at the beginning you realised that some of the FS</p> <p>15 equipment malfunctioned?</p> <p>16 MR FOK CHUN MING: We didn't know about that at the time.</p> <p>17 MR VICTOR DAWES: When did you become aware of that?</p> <p>18 MR FOK CHUN MING: We received a lot of assistance calls.</p> <p>19 We assessed the deployment of resources. As the fire</p> <p>20 progressed, we kept communicating with the frontline.</p> <p>21 When firefighting was undertaken, there was a message to</p> <p>22 the centre that they experienced difficulties in</p> <p>23 firefighting. In the DCP we do have a routine mechanism</p> <p>24 to review the computer system to ascertain whether the</p> <p>25 FSIs in the buildings failed, and we found that the FSIs</p>	Page 88	<p>1 MR VICTOR DAWES: What time did you see the live streaming</p> <p>2 of the scene?</p> <p>3 MR FOK CHUN MING: From memory, I think it was in the</p> <p>4 evening. Exact time I don't quite recall.</p> <p>5 MR VICTOR DAWES: The DCP was activated in the afternoon and</p> <p>6 then two or three hours later you didn't see the scene,</p> <p>7 there wasn't a live feed of images to you. Mainly you</p> <p>8 relied on the still images, can I put it this way?</p> <p>9 MR FOK CHUN MING: Yes. But I'd like to add that we monitor</p> <p>10 the media feeds, we kept all the TV stations on to</p> <p>11 monitor the scene.</p> <p>12 MR VICTOR DAWES: The media live-streamed the whole fire.</p> <p>13 MR FOK CHUN MING: Right.</p> <p>14 MR VICTOR DAWES: In a way you relied on the media coverage</p> <p>15 to monitor the situation?</p> <p>16 MR FOK CHUN MING: Plus the colleagues' messages.</p> <p>17 MR VICTOR DAWES: Can I put it this way. At 15:20 you were</p> <p>18 aware that the fire was pretty serious and, like you</p> <p>19 said, it is unlike the fire that you experienced before.</p> <p>20 MR FOK CHUN MING: Correct.</p> <p>21 MR VICTOR DAWES: In your experience, you've been serving</p> <p>22 since 1998, the DCP system, when did it start?</p> <p>23 MR FOK CHUN MING: It's always been there. DCP system was</p> <p>24 reviewed in 2017 and the roles, the functions were</p> <p>25 reviewed once.</p>

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<p>1 From 2017 to the Wang Fuk fire, it was the first</p> <p>2 time that we activated the tier 2 system.</p> <p>3 MR VICTOR DAWES: I was going to ask you how many times. So</p> <p>4 this is unprecedented since 2017?</p> <p>5 MR FOK CHUN MING: Right.</p> <p>6 MR VICTOR DAWES: You mentioned a moment ago that for the</p> <p>7 DCP, one of the authorities is to send the SAR team,</p> <p>8 search and rescue.</p> <p>9 MR FOK CHUN MING: Correct.</p> <p>10 MR VICTOR DAWES: How many staff members would be deployed?</p> <p>11 It seems that the DCP would have the decision-making</p> <p>12 power.</p> <p>13 MR FOK CHUN MING: 10 teams/20 officers. When we receive</p> <p>14 more than one assistance call, the FSD will be sending</p> <p>15 the first SAR team. If progressively we received a</p> <p>16 fourth assistance call, we would send the next SAR team.</p> <p>17 We sent two teams. Progressively there was a deluge of</p> <p>18 call assistance, there were four before the 10 were</p> <p>19 sent, and we sent another 10, so altogether there were</p> <p>20 14 SAR teams. So in terms of the mechanism, we would be</p> <p>21 sending the SAR teams.</p> <p>22 MR VICTOR DAWES: So how many members are there in a team in</p> <p>23 terms of manpower?</p> <p>24 MR FOK CHUN MING: The composition of a team will have a</p> <p>25 small vehicle and a pump vehicle and also a hydraulic</p>	<p>1 down because of repair, so we deployed extra fire</p> <p>2 engines as reinforcement. And we received the rescue</p> <p>3 report. We sent two fire engines to search and rescue.</p> <p>4 For Wang Fuk Court we have the contingency plan whereby</p> <p>5 two additional fire engines are added. So the initial</p> <p>6 turnout is actually more than the usual situation.</p> <p>7 And then we monitored the situation. When the DCP</p> <p>8 was activated, 15:02, it was upgraded, so the resources</p> <p>9 are more than a general No. 3 alarm fire.</p> <p>10 MR VICTOR DAWES: There are suggestions that at the</p> <p>11 beginning of the fire many residents felt that more TL,</p> <p>12 or turntable ladder, should have been deployed to rescue</p> <p>13 people or to douse water at the buildings at a higher</p> <p>14 level.</p> <p>15 MR FOK CHUN MING: Yes. As to the TL, other than the PDA,</p> <p>16 we do have the TL deployment for No. 3 alarm fire. The</p> <p>17 positioning of the turntable ladder -- we rely very much</p> <p>18 on the assessment on the scene; the incident commander</p> <p>19 has assessed the situation. If there is a demand for</p> <p>20 additional TL then there would be a deployment. For the</p> <p>21 Wang Fuk Court rescue operation, we have sent eight TLs.</p> <p>22 MR VICTOR DAWES: From your memory, with eight TLs, is it an</p> <p>23 unusual situation?</p> <p>24 MR FOK CHUN MING: Yes, from my memory it is really unusual.</p> <p>25 I've never seen anything like that.</p>
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<p>1 platform. Each vehicle would have six and altogether</p> <p>2 12, minus two drivers, and there are 10 members in a SAR</p> <p>3 team. The breathing apparatus, the BA team, is composed</p> <p>4 of two, and each SAR team can have five.</p> <p>5 MR VICTOR DAWES: This is by no means a criticism, but there</p> <p>6 are a lot of questions on the part of the members of the</p> <p>7 public regarding the resources and the deployment. The</p> <p>8 FSD deployed manpower. We realised a lot of firemen</p> <p>9 were deployed, far more than the usual situation.</p> <p>10 I think people are concerned about the initial stage of</p> <p>11 the fire. DCP was up and running. From the record, at</p> <p>12 15:17 the outer wall was well alight. To put it another</p> <p>13 way, it was burning pretty seriously.</p> <p>14 MR FOK CHUN MING: Yes.</p> <p>15 MR VICTOR DAWES: There were doubts whether more manpower</p> <p>16 should have been deployed at the initial stage of the</p> <p>17 fire or more SAR teams should have been deployed at the</p> <p>18 initial stage.</p> <p>19 About 60 minutes later you decided to send 10 SAR</p> <p>20 teams. Can you explain a little bit more about this?</p> <p>21 MR FOK CHUN MING: The FSCC received the reports and the DCP</p> <p>22 wasn't activated at the time. It wasn't until 15:20</p> <p>23 that it was up and running.</p> <p>24 For No. 1 alarm, we would send four fire engines.</p> <p>25 For Wang Fuk Court, we understand that the FSI was shut</p>	<p>1 MR VICTOR DAWES: From your statement about the 10 SAR</p> <p>2 teams, paragraph 9; 15:20, two teams; 15:33, four</p> <p>3 additional teams; 15:48, four more additional SAR teams.</p> <p>4 MR FOK CHUN MING: Right.</p> <p>5 MR VICTOR DAWES: From your memory, have you seen so many</p> <p>6 SAR teams at the beginning of a fire?</p> <p>7 MR FOK CHUN MING: No, never.</p> <p>8 MR VICTOR DAWES: I think we can skip over to a later stage.</p> <p>9 How many SAR teams have been deployed altogether?</p> <p>10 MR FOK CHUN MING: Other than the 14 at the beginning, the</p> <p>11 incident commander -- there were so many fire engines</p> <p>12 there that the SAR teams composed of the team members</p> <p>13 and the fire engines. On the scene, seven blocks</p> <p>14 divided into seven commands, and they have their own SAR</p> <p>15 teams, and we sent the 14 engines and they used the</p> <p>16 existing resources to do the search and rescue.</p> <p>17 MR VICTOR DAWES: So the search and rescue work overlapped</p> <p>18 with the incident command and you deployed an additional</p> <p>19 14 teams, but on the scene they were doing the same</p> <p>20 thing?</p> <p>21 MR FOK CHUN MING: Yes. The command at the scene can form</p> <p>22 their own SAR teams.</p> <p>23 MR VICTOR DAWES: If you can assist us here, DCP received</p> <p>24 the assistance calls, B10/5541. There are 373</p> <p>25 assistance calls, 34 collected by DCP.</p>

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1 Item 175, for example, call received from DCP. 177,
 2 also DCP. If you will let us know, "Call received from
 3 DCP", what does it mean?
 4 MR FOK CHUN MING: It means DCP received from many unit,
 5 maybe from the frontline, maybe they received some
 6 calls -- it is busy on the scene and they couldn't get
 7 in touch with the incident commander and they would get
 8 in touch with the DCP by radio. And we would be passing
 9 on the message through the DCP. The Security Bureau has
 10 the coordination centre. Through the EMSC I received
 11 some of the assistance calls.
 12 MR VICTOR DAWES: Looking at this table, some with
 13 "telephone" marked, I presume that the people called
 14 999?
 15 MR FOK CHUN MING: Yes.
 16 MR VICTOR DAWES: Is it routed through from 999?
 17 MR FOK CHUN MING: I can't ascertain this. We have our own
 18 hotline but most of them came through 999.
 19 MR VICTOR DAWES: So either number.
 20 At the scene, some would approach the firefighters
 21 for help?
 22 MR FOK CHUN MING: We do have the mobile command vehicle and
 23 they would be approaching the commander vehicle to
 24 report the emergency.
 25 MR VICTOR DAWES: Let's look further down. "Fax", who is

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1 faxing it to whom?
 2 MR FOK CHUN MING: I don't know. I don't have the
 3 information.
 4 MR VICTOR DAWES: Some were faxed in?
 5 MR FOK CHUN MING: From this table, yes.
 6 MR VICTOR DAWES: We heard some explanation; we understand
 7 the mechanism is improving and that's the police would
 8 be sending fax to you. Is that one of the situations?
 9 MR FOK CHUN MING: That's one of the ways. I believe we
 10 have over 30 lines at the FSD so if there are a lot of
 11 assistance calls coming through, the FSD may not be able
 12 to get the messages. So fax is one of the ways. But we
 13 do have direct lines with the communication centres of
 14 the police. The cases can be relayed to us or
 15 subsequently they can send us an email; that would be
 16 possible.
 17 MR VICTOR DAWES: Your colleagues also explained this
 18 particular way.
 19 Paragraph 13 of your witness statement says in the
 20 course of rescue you would collect information every
 21 single hour to be transmitted to the directorate staff
 22 and Emergency Monitoring and Support Centre.
 23 Last week we heard from Mr Sunny Wong that they
 24 would use Excel to input the information for
 25 transmission to the FSCC and for the information to be

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1 put into the system. What about the collection of
 2 information from the scene? You mentioned the radio,
 3 you have the FSD messenger and you also have telephone,
 4 or if the commander would like to communicate with you,
 5 are there any other ways, any particular way for this to
 6 be done?
 7 MR FOK CHUN MING: The computer system or what?
 8 MR VICTOR DAWES: Yes. Anything.
 9 MR FOK CHUN MING: In FSCC, all the assistance calls, we
 10 have the computerised system to input the information.
 11 We export information via Excel, and through the
 12 government network we will send the information to the
 13 command centre on the scene.
 14 And Mr Sunny Wong, on the basis of the Excel would
 15 use the FSD messenger or some photos to check the
 16 veracity. By the time they're done with certain
 17 procedures, they would be updating the Excel. On that
 18 day, at the DCP, for the assistance cases, they would be
 19 calling Mr Wong for communication.
 20 MR VICTOR DAWES: On the day when you are working, the DCP,
 21 we understand that the seriousness of the fire was
 22 unprecedented. Looking back, do you think that there
 23 were some ways in which you could have improved?
 24 MR FOK CHUN MING: On radio communication on the day, there
 25 was a lot of information going through the radio through

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1 DCP and then through the FSCC and then through the
 2 incident commander to communicate with the officers at
 3 the frontlines.
 4 There was too much information being relayed through
 5 the radio and the lines were sometimes jammed. And
 6 we had to use our phones and sometimes we had to really
 7 find the person physically to get information.
 8 MR VICTOR DAWES: Well, if it's not such a serious fire,
 9 then there wouldn't be a case of the lines being jammed.
 10 But hearing your explanation, it seems that it's not
 11 just the loading of the telecommunication system.
 12 MR FOK CHUN MING: I'm talking about the usage of the radio.
 13 During the initial stage, there was a lot of
 14 communication at the frontlines and so the lines were
 15 sometimes jammed. But afterwards the situation
 16 improved.
 17 MR VICTOR DAWES: I would like you to help me on another
 18 subject matter on receiving complaints. There's
 19 actually a contractor service and complaint section. In
 20 paragraph 7 of your witness statement, we have actually
 21 looked through this with your colleagues. When calls
 22 come in, the frontline staff will need to see whether it
 23 is an enquiry or a complaint.
 24 MR FOK CHUN MING: Yes.
 25 MR VICTOR DAWES: Your colleagues are of a different rank

Page 97	<p>1 and maybe the information given might be different.</p> <p>2 I just want to understand how you differentiate between</p> <p>3 an enquiry or a complaint because it would affect how we</p> <p>4 follow up on that later on.</p> <p>5 MR FOK CHUN MING: At any time, when there is email or a</p> <p>6 phone number, we would receive enquiries or complaints.</p> <p>7 I can try to explain it from the person receiving the</p> <p>8 call.</p> <p>9 First of all, we would define whether it is under</p> <p>10 the purview of the FSD. If it does not belong to our</p> <p>11 ambit or the case itself is related to other</p> <p>12 departments, then we would then refer it to the relevant</p> <p>13 departments.</p> <p>14 For those enquiries or complaints that fall under</p> <p>15 our purview, when we suspect that there is a violation</p> <p>16 of the FSO, then it would be seen as a complaint. If</p> <p>17 there is no suspicion of a breach of FSO, then we would</p> <p>18 treat it as an enquiry and refer it to the relevant</p> <p>19 department.</p> <p>20 MR VICTOR DAWES: In other words, when the call is related</p> <p>21 to contravention of FSO, you would treat it as</p> <p>22 a complaint?</p> <p>23 MR FOK CHUN MING: Correct. We would need to follow up on</p> <p>24 any violations of FSO.</p> <p>25 MR VICTOR DAWES: If it is an enquiry, it means that it does</p>	Page 99	
Page 98	<p>1 not violate the FSO?</p> <p>2 MR FOK CHUN MING: Correct.</p> <p>3 MR VICTOR DAWES: And you might not conduct an on-site</p> <p>4 investigation; you might handle it via other means?</p> <p>5 MR FOK CHUN MING: Correct.</p> <p>6 MR VICTOR DAWES: You would see whether the call has to do</p> <p>7 with violation of the FSO to decide whether you would</p> <p>8 make an on-site inspection?</p> <p>9 MR FOK CHUN MING: Yes. But the pre-condition is that this</p> <p>10 call does not fall under the FSD purview. If it does</p> <p>11 not fall under our purview, then we would refer it to</p> <p>12 other departments.</p> <p>13 MR VICTOR DAWES: I would just like to use a brief example.</p> <p>14 I don't want to spend too much time because I'm sure you</p> <p>15 already heard about it this morning.</p> <p>16 MR FOK CHUN MING: Yes.</p> <p>17 MR VICTOR DAWES: On the issue of smoking at work site, you</p> <p>18 wouldn't need to handle it, you can just refer it</p> <p>19 directly to the Labour Department?</p> <p>20 MR FOK CHUN MING: Correct. This is the basic way we handle</p> <p>21 it. When we receive calls, we know that some units may</p> <p>22 not have the resources to conduct investigation. For</p> <p>23 the outsourcing and complaint section, we do have</p> <p>24 personnel, we also have a hotline on receiving calls.</p> <p>25 When we receive enquiries, sometimes there may not be</p>	<p>1 the resources to conduct an investigation before giving</p> <p>2 a response. We do not object to colleagues looking into</p> <p>3 the situation themselves first.</p> <p>4 MR VICTOR DAWES: In other words, even if the matter does</p> <p>5 not involve the violation of FSO but it relates to fire,</p> <p>6 such as smoking at a work site, according to the current</p> <p>7 mechanism, colleagues should refer this call to another</p> <p>8 department, but if colleagues are to follow up,</p> <p>9 you would agree to it.</p> <p>10 MR FOK CHUN MING: Yes.</p> <p>11 MR VICTOR DAWES: You mentioned another point. People lodge</p> <p>12 complaints all the time. Would you refer all the</p> <p>13 complaints to staff who handle complaints?</p> <p>14 MR FOK CHUN MING: Yes. But the outsourcing and complaint</p> <p>15 section or the FSCC, when it is clear that the case does</p> <p>16 not involve the FSD, then the cases would be referred to</p> <p>17 other departments and we would not follow up.</p> <p>18 MR VICTOR DAWES: Let's say it's not the FSCC. It might be</p> <p>19 a fire station that received the calls.</p> <p>20 MR FOK CHUN MING: Well, yes, for enquiries, but for</p> <p>21 complaints, that would be different.</p> <p>22 MR VICTOR DAWES: We see that some complaints were via 1823.</p> <p>23 MR FOK CHUN MING: Yes.</p> <p>24 MR VICTOR DAWES: It seems that other departments would also</p> <p>25 know of these calls.</p>	Page 100

1 MR VICTOR DAWES: Thank you.
2 THE HON MR JUSTICE DAVID LOK: Any other questions?
3 Counsel Suen.
4 MR JENKIN SUEN: Thank you. I do not have further
5 questions.
6 THE HON MR JUSTICE DAVID LOK: Thank you, Mr Fok, for coming
7 in today.
8 (The witness was released)
9 (2.51 pm)
10 MR VICTOR DAWES: Chairman, there will be two witnesses from
11 the FSD tomorrow.
12 THE HON MR JUSTICE DAVID LOK: We can adjourn earlier today.
13 We will resume at 10 in the morning.
14 MR VICTOR DAWES: Oh, I'm sorry, it should be three
15 witnesses tomorrow.
16 THE HON MR JUSTICE DAVID LOK: All right. We resume at
17 10.00 tomorrow morning.
18 (2.52 pm)
19 (The hearing adjourned until 10.00 am
20 on Thursday, 23 April 2026)
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