

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 20
Monday, 27 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**

**Mr Jeffrey Tam and Mr Andrew Lau appeared on behalf of Residents of
Wang Fuk Court**

Representatives of Department of Justice

Representatives of Competition Commission

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

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<p>1 Monday, 27 April 2026</p> <p>2 (10.00 am)</p> <p>3 THE HON MR JUSTICE DAVID LOK: Mr Dawes.</p> <p>4 MR VICTOR DAWES: Chairman, members, our first witness is</p> <p>5 Ms Cheung Yuk Ching, Karen.</p> <p>6 Ms Cheung, good morning. Please be upstanding and</p> <p>7 read the declaration before you.</p> <p>8 (10.00 am)</p> <p>9 MS CHEUNG YUK CHING, KAREN (affirmed)</p> <p>10 Examination by MR VICTOR DAWES</p> <p>11 MR VICTOR DAWES: Please be seated. Ms Cheung, you are the</p> <p>12 assistant director of the Buildings Department in charge</p> <p>13 of mandatory building inspection.</p> <p>14 MS CHEUNG YUK CHING: Right.</p> <p>15 MR VICTOR DAWES: From the documentary evidence, we see that</p> <p>16 you have been serving in the department for over</p> <p>17 30 years and was promoted to the current rank in 2019.</p> <p>18 MS CHEUNG YUK CHING: Yes.</p> <p>19 MR VICTOR DAWES: You have given us a detailed witness</p> <p>20 statement at WS1, page 775. I believe that you have</p> <p>21 read it and you can confirm the content therein.</p> <p>22 MS CHEUNG YUK CHING: Right.</p> <p>23 MR VICTOR DAWES: The area we would like your assistance on</p> <p>24 is in relation to fire safety in the maintenance work of</p> <p>25 Wang Fuk Court. There are relevant legislation that</p>	<p>1 MS CHEUNG YUK CHING: If you will indulge me, perhaps I will</p> <p>2 give you information about the entire framework.</p> <p>3 MR VICTOR DAWES: Okay.</p> <p>4 MS CHEUNG YUK CHING: It's quite complicated, covering many</p> <p>5 different fields; they are working together. There is</p> <p>6 aging of buildings in Hong Kong and there are also</p> <p>7 relevant issues.</p> <p>8 First I'd like to talk the Minor Works Control</p> <p>9 System. That came before the MBIS, the Mandatory</p> <p>10 Building Inspection Scheme. Before we introduced the</p> <p>11 MWCS, Minor Works Control System, there was only one</p> <p>12 regulatory system under which when there were works,</p> <p>13 whether it was a new-build or existing buildings, there</p> <p>14 was one system if minor works were involved: you have to</p> <p>15 ask authorised persons, they may be registered engineers</p> <p>16 or contractors, to submit plans. They will have to get</p> <p>17 approval as well as work permit before work starts.</p> <p>18 For new developments of a larger scale, for that,</p> <p>19 they have to follow this system. Existing buildings</p> <p>20 too. This gave rise to a problem. If owners want to</p> <p>21 conduct some simple works, say, for example, awning,</p> <p>22 air-conditioning frames or repair works, they will have</p> <p>23 to follow this system. Say, for example, for canopy,</p> <p>24 this is a very complicated procedure and a major</p> <p>25 framework. For small owners, it would be difficult for</p>
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Page 5	<p>1 the experience. As a result, the registered minor works</p> <p>2 contractor will guarantee to a certain extent quality.</p> <p>3 That's the overall framework.</p> <p>4 MR VICTOR DAWES: Let's go through some nomenclature. You</p> <p>5 talk about registered contractors who are allowed to do</p> <p>6 the work.</p> <p>7 MS CHEUNG YUK CHING: Yes.</p> <p>8 MR VICTOR DAWES: Under the Buildings Ordinance, BO, that is</p> <p>9 the registered contractors?</p> <p>10 MS CHEUNG YUK CHING: Right.</p> <p>11 MR VICTOR DAWES: There is another, registered inspector.</p> <p>12 Can you explain to us?</p> <p>13 MS CHEUNG YUK CHING: Well, that wasn't introduced yet. The</p> <p>14 registered inspector is the MBIS.</p> <p>15 MR VICTOR DAWES: I would like you to talk about the</p> <p>16 relationship between the MBIS and the MWCS as well as</p> <p>17 the relationship with the RI, registered inspector.</p> <p>18 MS CHEUNG YUK CHING: I'm now going to move on to the MBIS,</p> <p>19 Mandatory Building Inspection Scheme. The MWCS was</p> <p>20 introduced in 2010. At that time, the government would</p> <p>21 like to do more when it comes to building safety.</p> <p>22 Now we have registered contractors. The government</p> <p>23 would like to introduce preventative measures in the</p> <p>24 form of early inspections instead of waiting for</p> <p>25 dilapidation of the building before repair work is done</p>	Page 7	
Page 6	<p>1 because the latter will not be conducive to building</p> <p>2 safety. For this reason, in 2003 and 2005, consultation</p> <p>3 sessions were conducted in relation to the MBIS. In</p> <p>4 2012, the MBIS was formally introduced. Under the MBIS,</p> <p>5 owners, upon receipt of statutory notice, will have to</p> <p>6 conduct inspections of the building.</p> <p>7 Because of the inspection and the possible repair,</p> <p>8 suitable persons will have to be engaged to conduct the</p> <p>9 inspection, hence the RI, the registered inspector.</p> <p>10 I will move on to the duties later on. Let me first</p> <p>11 continue.</p> <p>12 After the inspection, if indeed repair are needed,</p> <p>13 then owners can engage registered minor works contractor</p> <p>14 to handle a simple building safety issues. As I said,</p> <p>15 in the past, without the MWCS, owners may engage</p> <p>16 unqualified persons to do the work. So the two systems</p> <p>17 work together.</p> <p>18 MR VICTOR DAWES: You talk about the MBIS and you have to</p> <p>19 engage qualified persons to do an inspection and then</p> <p>20 you have to engage relevant personnel to conduct the</p> <p>21 work. You talk about registered inspectors. There is</p> <p>22 another role, that is the RI. Can you explain to us the</p> <p>23 duties and roles of an RI?</p> <p>24 MS CHEUNG YUK CHING: RI is the registered inspector. It's</p> <p>25 new registered under the MBIS. From public consultation</p>	<p>1 we learned that there is a need to engage suitable</p> <p>2 persons to do the work. RIs are professionals; they may</p> <p>3 be architects, engineers or surveyors. First, they will</p> <p>4 have to, in their respective professional field, obtain</p> <p>5 registration for their qualifications and then they go</p> <p>6 to a registration panel when their work experience will</p> <p>7 be vetted. Only registered inspectors can prescribe</p> <p>8 inspection and repair.</p> <p>9 MR VICTOR DAWES: Can you tell us more about their duties?</p> <p>10 MS CHEUNG YUK CHING: During the inspection stage, the RI</p> <p>11 will have to personally go to the site to conduct</p> <p>12 inspection about the condition of the buildings. We</p> <p>13 have practice notes in place for personnel involved in</p> <p>14 MBIS. The practice notes clearly state their duties,</p> <p>15 that is to ensure building safety. In the inspection</p> <p>16 stage, they will have to conduct inspections on various</p> <p>17 areas to see whether repair is needed.</p> <p>18 It is not necessary that repair work will have to be</p> <p>19 done under the MBIS. It depends on the condition</p> <p>20 verified by the RI upon the inspection. If repair is</p> <p>21 needed, then it's the next stage. During the repair</p> <p>22 stage, the duty of the RI is significant because they</p> <p>23 will be in charge of the repair work to ensure that all</p> <p>24 the works are conducted in a safe and good order. They</p> <p>25 will have to ensure compliant materials are used and all</p>	Page 8

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<p>1 supervision requirement will have to be complied with, 2 that is those under levels 1 and 2. 3 MR VICTOR DAWES: You mentioned about a team can be formed. 4 Level 1 and level 2 supervisions is a matter of the 5 interval of the inspections. 6 MS CHEUNG YUK CHING: Right. 7 MR VICTOR DAWES: You also mentioned about personal 8 inspections which cannot be delegated. Can you give us 9 some examples? 10 MS CHEUNG YUK CHING: For example, concrete repair. After 11 chiselling, a personal inspection will have to be 12 conduct. After the concrete inspection, tests, say, for 13 example, pull-off tests will have to be personally 14 conducted by the RI. 15 MR VICTOR DAWES: You've mentioned about this. I'll ask you 16 some follow-up questions. The ultimate responsibility, 17 even with a team formed, the ultimate responsibility is 18 a statutory requirement, not one under the practice 19 notes. 20 MS CHEUNG YUK CHING: It's a statutory requirement. 21 MR VICTOR DAWES: 30D? 22 MS CHEUNG YUK CHING: Yes. 23 MR VICTOR DAWES: There is a matter that is of concern to 24 us. In your witness statement starting from 25 paragraph 48 you mention under the law, the RI and the</p>	<p>1 it's the duty of the RC, say, for example, the work 2 process, but the RI is also in some way responsible 3 because the RI will have to inspect the arrangements and 4 to make sure that the work procedures are suitable 5 because he's a professional. 6 MR VICTOR DAWES: On fire safety, apart from materials, is 7 there anything you would like to supplement? 8 MS CHEUNG YUK CHING: On fire safety, this involves many 9 aspects. There is the work procedure and then there's 10 site management. For site management, the contractor 11 has a huge responsibility. They have to manage the site 12 well. 13 THE HON MR JUSTICE DAVID LOK: Mr Dawes, this is a broad 14 question. 15 MR VICTOR DAWES: I will get into the details in a moment. 16 THE HON MR JUSTICE DAVID LOK: I will leave it up to you. 17 Because it sounds broad. 18 MR VICTOR DAWES: It's a broad topic. 19 In a moment I will come to specific examples in my 20 discussion with you. Let's go through the roles we were 21 covering. 22 You mentioned under the MBIS there is the RI and the 23 RC, each has their role. As you said, both require 24 licences. In paragraph 28 of your witness statement you 25 also say that, for registered general contractors, there</p>
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<p>1 RC will have to fulfil their respective responsibilities 2 in terms of safe construction and building safety. 3 MS CHEUNG YUK CHING: Yes. 4 MR VICTOR DAWES: There is an explicit requirement that RC 5 will have to ensure that there is construction safety. 6 MS CHEUNG YUK CHING: Right. 7 MR VICTOR DAWES: And RI will have to fulfil their 8 supervision of the work being conducted. These safety 9 issues take us to an area under our investigation. This 10 is in the area of fire safety. What are their duties? 11 First, do they have a responsibility under this field, 12 and what are their duties? 13 MS CHEUNG YUK CHING: They do have a duty under this area. 14 First, they have to ensure that materials used are 15 compliant. 16 MR VICTOR DAWES: There are two roles, RI and RC. Perhaps 17 you can tell us what areas they are both responsible for 18 and what areas they are each responsible for. 19 MS CHEUNG YUK CHING: In terms of materials, they are both 20 responsible because the RC will supply the materials and 21 the RI will have to ensure that the materials supplied 22 are compliant and up to standard. 23 MR VICTOR DAWES: So is there anything that RI or RC is 24 responsible for individually? 25 MS CHEUNG YUK CHING: In terms of the works arrangement,</p>	<p>1 is a licence for them. This is the RGBC, registered 2 general building contractor. So is this the same 3 licence and how does this licence interact with the RIs' 4 and RCs' licence? 5 MS CHEUNG YUK CHING: Under the registration system there 6 are different kinds of contractors. There is the RGBC, 7 registered general building contractors, so they can 8 take on new construction projects. They can also work 9 on minor works, because they have a general licence. 10 And then you also have registered specialist 11 contractors. I will not go into the detail. And then 12 you also have the RMWC. This is within the registered 13 Minor Works Control System. Under the Minor Works 14 Control System there are contractors for the minor 15 works. These contractors are only work on minor works, 16 they cannot work on new construction projects. For 17 minor works contractors, there are different kinds of 18 licenses. As I said, there are three levels or three 19 classes. Each class is decided based on the risk. Say 20 you want to demolish unauthorised building works, that's 21 straightforward. Or for windows inspection, that's more 22 straightforward. So those are class III. 23 For class I, class I contractors can take on more 24 complicated works or more risky projects. For example, 25 say in a building, you want to create an opening to</p>

Page 13	<p>1 build a new staircase. This is for class I minor works</p> <p>2 contractors. For class II minor works contractors, they</p> <p>3 are somewhere in between. They can perform general</p> <p>4 repairs. So these are for class II contractors.</p> <p>5 MR VICTOR DAWES: So in Wang Fuk Court's case, which licence</p> <p>6 is required, based on the record?</p> <p>7 MS CHEUNG YUK CHING: For Wang Fuk Court, that case falls</p> <p>8 outside our purview so I'm not in a position to give you</p> <p>9 an answer.</p> <p>10 MR VICTOR DAWES: Maybe when we discuss other cases in</p> <p>11 a moment you can help us at that point.</p> <p>12 THE HON MR JUSTICE DAVID LOK: So after the fire, is there</p> <p>13 a change to the classification to the contractors after</p> <p>14 the fire?</p> <p>15 MS CHEUNG YUK CHING: There will be a change.</p> <p>16 THE HON MR JUSTICE DAVID LOK: How would that change?</p> <p>17 MS CHEUNG YUK CHING: Under the current regime, most works</p> <p>18 fall into class II, but you don't always need a class II</p> <p>19 contractor. You can get a more senior contractor to</p> <p>20 perform class II works. But because of the fire at</p> <p>21 Wang Fuk Court, we will amend our legislation so that</p> <p>22 major maintenance and renovation projects will become</p> <p>23 class I minor works.</p> <p>24 For such class I projects there will also have to be</p> <p>25 third party supervision. An authorised person or an AP</p>	Page 15
Page 14	<p>1 will be supervising such project. On top of that, there</p> <p>2 will also have to be specified plans. These plans need</p> <p>3 to be submitted, setting out how the maintenance will</p> <p>4 work and what procedures will there be and what</p> <p>5 safeguards or protective measures there will be.</p> <p>6 Normally, these are not required for minor works but</p> <p>7 in this future new category, a plan will have to be</p> <p>8 submitted to us. We then look at the fact. We will</p> <p>9 have to give the approval before the works can start.</p> <p>10 So this is for the future.</p> <p>11 THE HON MR JUSTICE DAVID LOK: So after this fire, for</p> <p>12 normal building maintenance and repair projects, these</p> <p>13 will be in a way upgraded?</p> <p>14 MS CHEUNG YUK CHING: Correct.</p> <p>15 MR VICTOR DAWES: So let's look at the regulatory issue,</p> <p>16 let's look at what happened before the fire.</p> <p>17 MS CHEUNG YUK CHING: Yes.</p> <p>18 MR VICTOR DAWES: And then we will revisit the points just</p> <p>19 mentioned by the chairman.</p> <p>20 Let's look at paragraphs 57 to 63 of your witness</p> <p>21 statement. To ensure that RIs perform their statutory</p> <p>22 duties in mandatory building inspection, the BD does</p> <p>23 random audit checks. That includes checking the</p> <p>24 document and also site inspections, or what you call</p> <p>25 site audit.</p>	Page 16
	<p>1 In paragraph 60 of your statement you discuss for</p> <p>2 site audits you verify the report submitted by the RC</p> <p>3 and the RI, you verify the accuracy of such report.</p> <p>4 So on this point, can you tell us, for the MBIS, you</p> <p>5 have been performing such audits, so can you tell us</p> <p>6 about the number of such audits?</p> <p>7 MS CHEUNG YUK CHING: We have been performing such audits.</p> <p>8 These audits tell us whether the RIs and RCs performed</p> <p>9 their statutory duties. I want to focus on the</p> <p>10 supervision. There are three stages. Stage 1, for</p> <p>11 random checks, that's the inspection.</p> <p>12 So I want to cover two stages first. So stage 1,</p> <p>13 inspection. After that inspection, the RI will have to</p> <p>14 submit a report to us. We have the report and if we</p> <p>15 pick that report during this random check, we will look</p> <p>16 at whether the document is meeting all the requirements</p> <p>17 based on our guidelines and then we visit the site to</p> <p>18 verify the situation. So we looked out for things such</p> <p>19 as whether there are spots requiring repairs but are</p> <p>20 missed by the inspector and we look the actual</p> <p>21 circumstances.</p> <p>22 Under our existing mechanism, our officers visit the</p> <p>23 site. These officers also conduct a survey with the</p> <p>24 property management company and the flat owners to check</p> <p>25 on the performance of the RI.</p>	

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<p>1 MS CHEUNG YUK CHING: That's correct.</p> <p>2 MR VICTOR DAWES: Let's come back to the Wang Fuk Court</p> <p>3 renovation project. The RC is Prestige and then the RI</p> <p>4 involved a person named Mr Ng Yeuk and a person called</p> <p>5 Shum Kui Chung who passed away.</p> <p>6 In the paper submitted by the Buildings Department</p> <p>7 to the Committee we saw some details. Ng Yeuk applied</p> <p>8 to be an AP person on three occasions. The first two</p> <p>9 attempts were unsuccessful. The successful one was the</p> <p>10 third attempt. As for the statement from Mr Pang, he</p> <p>11 also referred to such details. You have read that?</p> <p>12 MS CHEUNG YUK CHING: Correct.</p> <p>13 MR VICTOR DAWES: Mr Ng Yeuk handled 80 cases of the MBIS;</p> <p>14 30 of such cases he was the RI. For the other cases</p> <p>15 handled by Mr Ng Yeuk I believe you also paid attention</p> <p>16 to that after this fire; correct?</p> <p>17 MS CHEUNG YUK CHING: We did pay attention to those.</p> <p>18 MR VICTOR DAWES: Now let's look at Prestige Construction</p> <p>19 & Engineering. In August 2023, Prestige was found with</p> <p>20 misconduct in August 2023. It was fined \$15,000 and it</p> <p>21 was barred from taking on minor works projects for four</p> <p>22 months. So records about disciplinary penalties, are</p> <p>23 these records open, meaning publicly accessible?</p> <p>24 MS CHEUNG YUK CHING: For cases where there was prosecution,</p> <p>25 the records are not public. For disciplinary penalties,</p>	<p>1 FSD issues fire hazard abatement notices. So there is</p> <p>2 a statutory duty to mitigate such fire hazards.</p> <p>3 So can you tell us, for this division of work, can</p> <p>4 you tell us the work of the BD with regard to fire</p> <p>5 hazard?</p> <p>6 MS CHEUNG YUK CHING: We follow the legislative framework in</p> <p>7 our work. For passive systems in buildings, we enforce</p> <p>8 the law. So in the fire escape, when there are illegal</p> <p>9 works, we take enforcement actions. The FSD pays</p> <p>10 attention to the loose furniture, so meaning they look</p> <p>11 at things that are not fixtures. So when there is</p> <p>12 construction waste or there is other kinds of trash.</p> <p>13 MR VICTOR DAWES: I think you will agree that when it comes</p> <p>14 to abating fire hazards, we're talking about a broad</p> <p>15 concept. We're talking about the building design, then</p> <p>16 there are materials, then there are passive fire safety</p> <p>17 provisions. So you give advice and you look into such</p> <p>18 aspect. So you talk to the FSD; right?</p> <p>19 MS CHEUNG YUK CHING: We do. We work closely together.</p> <p>20 MR VICTOR DAWES: At the hearing last week, we discussed an</p> <p>21 issue and the Director of Fire Services agreed there is</p> <p>22 a division of work between the FSD and the BD. The FSD</p> <p>23 has the ultimate responsibility when it comes to fire</p> <p>24 safety. Broadly speaking, there is dispute over whether</p> <p>25 foam boards fall within the purview of the FSD. What's</p>
Page 18	Page 20
<p>1 such details are made available online.</p> <p>2 MR VICTOR DAWES: So we will see the penalties, \$50,000 and</p> <p>3 four months, barred from tendering. For the other</p> <p>4 28 sites involving Prestige, you also issued cease-work</p> <p>5 orders?</p> <p>6 MS CHEUNG YUK CHING: Correct.</p> <p>7 MR VICTOR DAWES: That happened after the fire?</p> <p>8 MS CHEUNG YUK CHING: That's correct.</p> <p>9 MR VICTOR DAWES: Can I put it this way. After the</p> <p>10 cease-work orders, did the BD investigate the other</p> <p>11 projects performed by Prestige?</p> <p>12 MS CHEUNG YUK CHING: We did. Some investigation is still</p> <p>13 going on.</p> <p>14 MR VICTOR DAWES: So for Prestige, does Prestige still have</p> <p>15 any licensees under the BD?</p> <p>16 MS CHEUNG YUK CHING: If my memory serves me correct,</p> <p>17 I think Michael is in a better position to tell.</p> <p>18 MR VICTOR DAWES: I want to discuss the division of work.</p> <p>19 I'm sure you can see this is top of mind for many. In</p> <p>20 your witness statement you provided information on this.</p> <p>21 Let's look at paragraph 84, page 807. Broadly speaking,</p> <p>22 the BD is responsible for the passive fire safety</p> <p>23 provisions, that includes building design, barriers,</p> <p>24 whereas the Fire Services Department is tasked with the</p> <p>25 active fire safety provisions and, when appropriate, the</p>	<p>1 the BD's position on the statement that the foam boards</p> <p>2 full outside their purview? Is this correct?</p> <p>3 MS CHEUNG YUK CHING: For every department, they can</p> <p>4 administer legislation within their respective</p> <p>5 legislative framework. For foam boards we do have</p> <p>6 regulation on that so we do enforce the law on that.</p> <p>7 MR VICTOR DAWES: So, in other words, there may be overlap</p> <p>8 in the scope of enforcement but you do consider</p> <p>9 enforcement actions. When you visit a site, you see</p> <p>10 foam boards covering windows, you enforce the law?</p> <p>11 MS CHEUNG YUK CHING: We do enforce the law when windows are</p> <p>12 covered. These foam boards may be protective measures</p> <p>13 so we do enforce the law.</p> <p>14 MR VICTOR DAWES: Another point top of mind for us is that</p> <p>15 there is at times overlap in regulation. So how do we</p> <p>16 approach the task when there is such an overlap?</p> <p>17 MS CHEUNG YUK CHING: For us, we have an internal manual.</p> <p>18 That manual has been released for quite a while. That</p> <p>19 manual sets out how we refer cases to the FSD and vice</p> <p>20 versa. Last week we discussed a memo about how the FSD</p> <p>21 referred cases to us and there is another memo on how we</p> <p>22 refer cases to the FSD. So that's the mechanism for our</p> <p>23 communication. So these are four common cases.</p> <p>24 Our instruction also has something to say on cases</p> <p>25 that are not common cases. We do talk to each other,</p>

Page 21	<p>1 meaning talk to the FSD. When needed, joint actions are</p> <p>2 taken by us.</p> <p>3 At the end of last year, the BD and the FSD</p> <p>4 conducted a joint operation for industrial buildings at</p> <p>5 the end of December, I think. So where possible, we</p> <p>6 complement each other.</p> <p>7 THE HON MR JUSTICE DAVID LOK: I have a question. We know</p> <p>8 the context in which the ICU was set up. So in such</p> <p>9 cases, do you talk to the ICU? If the ICU needs to talk</p> <p>10 to the FSD, does the ICU do it through the BD or do they</p> <p>11 do it on their own; are you aware?</p> <p>12 MS CHEUNG YUK CHING: I have no idea.</p> <p>13 MR VICTOR DAWES: Let's talk about the ICU because we need</p> <p>14 to sort out the ties between the BD and the ICU. In</p> <p>15 your witness statement, paragraph 14, you explain that</p> <p>16 for HOS flats, they are examined under the Buildings</p> <p>17 Ordinance. Later on, units in Wang Fuk Court were sold</p> <p>18 to flat owners. Starting from 1992 the regulation of</p> <p>19 the construction of HOS flats were handed over to an</p> <p>20 independent unit under the Housing Department. So</p> <p>21 that's the historical context.</p> <p>22 MS CHEUNG YUK CHING: Correct.</p> <p>23 MR VICTOR DAWES: In paragraphs 66 to 67, you said that ICU</p> <p>24 administers building control and this should be</p> <p>25 authority delegated by the Buildings Department.</p>	Page 23
Page 22	<p>1 MS CHEUNG YUK CHING: Correct.</p> <p>2 MR VICTOR DAWES: And these actually are handled under the</p> <p>3 building regulation.</p> <p>4 MS CHEUNG YUK CHING: Yes.</p> <p>5 MR VICTOR DAWES: And we know that this is a delegation</p> <p>6 instrument, that the authority has been delegated to the</p> <p>7 ICU.</p> <p>8 MS CHEUNG YUK CHING: Correct.</p> <p>9 MR VICTOR DAWES: For Wang Fuk Court, as we know that it is</p> <p>10 an HOS, according to you, this should go under the</p> <p>11 responsibility of ICU?</p> <p>12 MS CHEUNG YUK CHING: Correct.</p> <p>13 MR VICTOR DAWES: If we look at paragraph 67, although ICU</p> <p>14 can administer building control, it cannot prosecute RI</p> <p>15 or RCs because they would then refer this back to the</p> <p>16 BD; am I correct?</p> <p>17 MS CHEUNG YUK CHING: Yes. If we find that there are</p> <p>18 non-compliant cases, then they need to conduct</p> <p>19 investigation and then, when it goes to court, we would</p> <p>20 submit a report through DOJ.</p> <p>21 MR VICTOR DAWES: How about for disciplinary penalties?</p> <p>22 MS CHEUNG YUK CHING: It's the same. They would still need</p> <p>23 to conduct a general investigation, come up with</p> <p>24 a report and then submit it to us and then through DOJ</p> <p>25 we would then explore it further.</p>	Page 24
<p>1 MR VICTOR DAWES: So they would need to complete all the</p> <p>2 investigation and submit you with a file?</p> <p>3 MS CHEUNG YUK CHING: Yes.</p> <p>4 MR VICTOR DAWES: We know that there is an MOU between BD</p> <p>5 and the Housing Authority in J1-1/2043. Let's look at</p> <p>6 2.1 and 2.2. This is the MOU in English. Let me give a</p> <p>7 brief summary. The setting-up of the ICU is to exercise</p> <p>8 independent administrative building control over HA</p> <p>9 buildings in line with the Buildings Ordinance and the</p> <p>10 establishment of ICU is to ensure that the independent</p> <p>11 checking on HA projects is consistent with BD's</p> <p>12 practice.</p> <p>13 MS CHEUNG YUK CHING: Correct.</p> <p>14 MR VICTOR DAWES: We look at 2.4 and we can see the</p> <p>15 delegated authority. ICU, under delegated authority</p> <p>16 from the Director of Buildings, to HA buildings or</p> <p>17 former HA buildings that are partly or wholly sold. We</p> <p>18 can see this stated here.</p> <p>19 I would like to refer you to paragraph 3. The title</p> <p>20 of paragraph 3 is "Mechanism to uphold ICU's standards</p> <p>21 of checking by BD". This will be measures to ensure</p> <p>22 that these will be done consistently. Therefore, in</p> <p>23 3.1, it is said that BD will second senior professional</p> <p>24 officers to ICU to provide expert advice.</p> <p>25 MS CHEUNG YUK CHING: Correct.</p>	<p>1 MR VICTOR DAWES: The ICU officers will act as members of</p> <p>2 the ICU. In paragraph 3.2 we see that ICU would submit</p> <p>3 a report to the BD every six months. Other than</p> <p>4 submitting reports, BD may conduct audit checks on ICU</p> <p>5 to ensure that the standards of checking by ICU are</p> <p>6 consistent with those of BD. That means that you will</p> <p>7 audit them; am I correct?</p> <p>8 MS CHEUNG YUK CHING: Correct.</p> <p>9 MR VICTOR DAWES: I would like to ask you about the</p> <p>10 operations. Mr Pang Yuk Lung in his witness statement</p> <p>11 also mentioned it, but I hope you can also provide us</p> <p>12 with some assistance. He said that officers seconded to</p> <p>13 ICU from BD -- can you tell us, usually, what the role</p> <p>14 would be of these officers?</p> <p>15 MS CHEUNG YUK CHING: We have seconded three officers. One</p> <p>16 is a structural engineer, a senior engineer and then two</p> <p>17 are senior, surveyors and basically their work is to act</p> <p>18 as an advisor. If there are any queries by ICU or when</p> <p>19 we do have updated news, then we would notify them via</p> <p>20 these advisors. They basically act as a bridge between</p> <p>21 BD and ICU to ensure consistency.</p> <p>22 MR VICTOR DAWES: These are permanent positions?</p> <p>23 MS CHEUNG YUK CHING: Yes.</p> <p>24 MR VICTOR DAWES: The BD provides resources to ICU,</p> <p>25 including these three officers. Can I put it this way.</p>	

Page 25	<p>1 Communication very important and you do have to</p> <p>2 supervise their work, that is the reason why there are</p> <p>3 audit checks.</p> <p>4 MS CHEUNG YUK CHING: I agree, but I don't quite understand</p> <p>5 what you mean by "resources".</p> <p>6 MR VICTOR DAWES: You provide them with manpower, you</p> <p>7 provide them with three officers. Do you provide any</p> <p>8 other support?</p> <p>9 MS CHEUNG YUK CHING: Mainly these three officers. BD and</p> <p>10 ICU do maintain close contact with each other in our</p> <p>11 daily work as well.</p> <p>12 MR VICTOR DAWES: I'm sure we have gone through this, but</p> <p>13 I'd like to hear from you. Although you and ICU have</p> <p>14 division of work, for major works like that of Wang Fuk</p> <p>15 Court, you do not join in the regulatory work. That is</p> <p>16 under ICU; right?</p> <p>17 MS CHEUNG YUK CHING: Yes.</p> <p>18 MR VICTOR DAWES: Other than seconding officers over, you do</p> <p>19 not have any further participation, only they would</p> <p>20 submit reports to you and you would conduct audit checks</p> <p>21 on them, can I say that?</p> <p>22 MS CHEUNG YUK CHING: Yes.</p> <p>23 MR VICTOR DAWES: You hope there would be consistency and</p> <p>24 standards, and that is one of the reasons you second</p> <p>25 officers over to ICU. But as the units have been</p>	Page 27	<p>1 by accredited laboratories. This is your understanding</p> <p>2 and what you usually do; am I correct?</p> <p>3 MS CHEUNG YUK CHING: Yes.</p> <p>4 MR VICTOR DAWES: Mr Yue mentioned accredited laboratories.</p> <p>5 Are you able to tell us how BD selects these accredited</p> <p>6 laboratories? Do you have a mechanism for that?</p> <p>7 MS CHEUNG YUK CHING: I will try my best. Actually,</p> <p>8 Hong Kong laboratories have HOKLAS. Under HOKLAS, these</p> <p>9 are accredited laboratories in Hong Kong and the tests</p> <p>10 are accredited. HOKLAS would be accredited by other</p> <p>11 countries as well.</p> <p>12 MR VICTOR DAWES: Mr Yue said that for scaffolding nets,</p> <p>13 there are a few documents that refer to it, such as the</p> <p>14 code of practice, practice notes, and some circular</p> <p>15 letters. These all regulate scaffolding nets. This may</p> <p>16 full under the purview of your colleagues but I'd like</p> <p>17 to ask you whether you have seen these circulars or</p> <p>18 practice notes?</p> <p>19 MS CHEUNG YUK CHING: Yes.</p> <p>20 MR VICTOR DAWES: Are you familiar with it?</p> <p>21 MS CHEUNG YUK CHING: Well, one is actually a guideline on</p> <p>22 the erecting of scaffolding nets.</p> <p>23 MR VICTOR DAWES: There is a document on a circular issued</p> <p>24 by the BD on 21 March 2023 on page J1-2/5915. Please go</p> <p>25 down a bit. We have seen this before. This is actually</p>
Page 26	<p>1 privately sold off, this is one of the mechanisms why</p> <p>2 you believe that the unit should go under the ICU.</p> <p>3 MS CHEUNG YUK CHING: Yes.</p> <p>4 MR VICTOR DAWES: Let me now turn over to the subject of</p> <p>5 scaffolding nets. We understand that different</p> <p>6 departments participate differently in the regulation of</p> <p>7 fire retardancy in the nets, such as BD and LD. Your</p> <p>8 colleague said that in paragraph 28 of his witness</p> <p>9 statement, WS1/819. He said that scaffolding nets fall</p> <p>10 under section 16 of the Building (Construction)</p> <p>11 Regulation, that it is a sort of preventive measure. Do</p> <p>12 you agree?</p> <p>13 MS CHEUNG YUK CHING: Yes.</p> <p>14 MR VICTOR DAWES: Paragraph 35. Let us zoom out a bit so</p> <p>15 that we can see the following paragraphs. The Building</p> <p>16 (Construction) Regulation under section 3 said that</p> <p>17 protective measures should meet fire-retardant</p> <p>18 standards, and under 3(2), it should comply with 3(1).</p> <p>19 The materials used are required to be tested by</p> <p>20 accredited laboratories.</p> <p>21 MS CHEUNG YUK CHING: Correct.</p> <p>22 MR VICTOR DAWES: This is already stated under the</p> <p>23 regulations. Professionals, including RIs and RCs, bear</p> <p>24 responsibility to ensure that the nets comply with</p> <p>25 fire-retardant requirements and that it must be tested</p>	Page 28	<p>1 issued after a No. 4 alarm fire at Mariners' Club. This</p> <p>2 is "Use of Fire Retardant Protective Net/Screen/ 3 Tarpaulin/Plastic Sheeting on Facade of Buildings under 4 Construction, Demolition, Repair or Minor Works", and 5 these should have a certain degree of fire retardancy 6 and there are standards listed here. Do you see this?</p> <p>7 MS CHEUNG YUK CHING: Yes.</p> <p>8 MR VICTOR DAWES: After the Mariners' Club fire, you</p> <p>9 followed up and then for the Chinachem building fire in 10 Central, the BD also issued a circular afterwards 11 requesting all registered professionals, we see a term 12 here called "PBP", it is not here but I want to know 13 what this is.</p> <p>14 MS CHEUNG YUK CHING: It's prescribed building professionals 15 including AP, RSE, the registered structural engineers, 16 et cetera, also, including RIs.</p> <p>17 MR VICTOR DAWES: So RIs should know that after the 18 Chinachem building fire they should know of the 19 fire-retardant requirement. If you look at page 6192 of 20 the same bundle, this is actually targeted towards the 21 material used on the facade of buildings, and you have 22 reminded the sector.</p> <p>23 MS CHEUNG YUK CHING: Correct.</p> <p>24 MR VICTOR DAWES: We see also a code of practice for 25 scaffolding nets. That is in D1/632. Here the code of</p>

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<p>1 practice for bamboo scaffolding safety. I'm sure you're 2 familiar with this. 3 MS CHEUNG YUK CHING: This is actually the LD's paper. 4 MR VICTOR DAWES: Can you help us with it. Page 654. Has 5 the LD consulted the BD before coming up with this code 6 of practice? 7 MS CHEUNG YUK CHING: I'm not too sure. 8 MR VICTOR DAWES: Let us take a look, but if you're not sure 9 then I wouldn't ask too much in detail. 10 If you can look at 4.4.4 of the code of practice, 11 here it says: 12 "On the face of the scaffold, suitable protective 13 screen [of fire-retardant materials] should be provided 14 to confine falling objects." 15 In other words, LD has requirement on materials in 16 terms of fire retardancy. 17 MS CHEUNG YUK CHING: Yes. 18 MR VICTOR DAWES: As you are not too familiar with this 19 paper, I'll not go into detail. 20 Under normal circumstances, for HOS, you would be 21 regulating the RIs and RCs, you would take measures to 22 examine the material. 23 MS CHEUNG YUK CHING: Well, before the fire, in terms of 24 materials, we did not take samples for testing. We 25 mainly just looked at the certificates.</p>	<p>1 MR VICTOR DAWES: In relation to scaffolding nets, you have 2 not done any tests so you can't help us with the tests' 3 criteria or whether you have conducted tests on site, 4 whether ICU has done that on site in relation to nets? 5 MS CHEUNG YUK CHING: In the past, in relation to nets, no 6 tests have been done. 7 MR VICTOR DAWES: Another question for you. If someone 8 gives you a certificate, do you do anything to verify 9 the accuracy of the certificate? I ask this because 10 Mr Yue said after the fire you found that there are more 11 than one cases involving false certificates. Since you 12 have not been to the site, you rely only on the 13 certificate. If the certificate is false, then 14 obviously there is a problem. 15 MS CHEUNG YUK CHING: Right. When we receive the 16 certificate, we look at a few things. First, the 17 issuer, which laboratory issued the certificate. Is it 18 somewhere from HOKLAS or is there a mutual recognition 19 if it's on the mainland? HOKLAS is an accreditation 20 institution. 21 MR VICTOR DAWES: Perhaps to give us a better understanding 22 let's go to J1-1/6202. Let's look at what document this 23 is. This is the practice notes. Now, we move on to 24 page 6202, (h), HOKLAS, this one here? 25 MS CHEUNG YUK CHING: Yes.</p>
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<p>1 MR VICTOR DAWES: It's not in your witness statement, but 2 according to Mr Yue, paragraph 18 of WS1, page 816, it 3 is said here: 4 "... witnessing on-site test and assessing on-site 5 conditions to ensure adherence to safety and quality 6 standards." 7 In other words, your understanding is that although 8 they are on-site tests, in relation to scaffolding net 9 before the fire, you would mainly rely only on the 10 certificates? 11 MS CHEUNG YUK CHING: Correct. 12 MR VICTOR DAWES: Were it not HOS, instead being private 13 housing, when you regulate RIs and RCs you would still 14 only look at the certification only? 15 MS CHEUNG YUK CHING: Correct. 16 MR VICTOR DAWES: Let me ask you, if you can't tell you, 17 we'll ask Mr Yue, he talks about witnessing on-site 18 tests. Do you know what he meant by that or are there 19 any other interpretations? 20 MS CHEUNG YUK CHING: Well, it's about a new building. We 21 will conduct tests on site. Say, for example, the 22 strength of the concrete is something that we will look 23 at. And if it's foundation work, after the pile has 24 been driven in, we will look at the loading capacity of 25 the pile.</p>	<p>1 MR VICTOR DAWES: So that is the laboratory accreditation 2 scheme. If you see that it is certificate issued by a 3 certified laboratory, then you will be satisfied? 4 MS CHEUNG YUK CHING: We will check it. If it's not one 5 from Hong Kong, then we will see whether it is 6 a laboratory that is under the mutual recognition of 7 Hong Kong. 8 MR VICTOR DAWES: Apart from the certificate, will you take 9 further steps to verify its authenticity? Mr Yue's 10 evidence mentioned this. Let's go to paragraph 53. 11 It's page 829. There is a heading, "Territory-wide 12 operation requiring removal of protective nets and 13 issuance of CWO for 230 private buildings for 14 non-compliance". I think this is an action taken after 15 the fire. 16 MS CHEUNG YUK CHING: Right. 17 MR VICTOR DAWES: You require 230 private buildings to 18 remove the protective nets instantly. When people walk 19 past sites, they realise that the nets have been 20 removed. So it's because you have found that there are 21 false instruments. 22 MS CHEUNG YUK CHING: Right. 23 MR VICTOR DAWES: So, before the fire, did you do anything 24 to verify the authenticity of the certificates? 25 MS CHEUNG YUK CHING: There is something: block train.</p>

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<p>1 MR VICTOR DAWES: What's the word you used?</p> <p>2 MS CHEUNG YUK CHING: Block train.</p> <p>3 MR VICTOR DAWES: Blockchain?</p> <p>4 MS CHEUNG YUK CHING: Yes. To look at the materials that's</p> <p>5 been manufactured. I don't know too much about this;</p> <p>6 you have to ask Mr Yue. I know the material will have</p> <p>7 to be tested before it arrives in Hong Kong. And at the</p> <p>8 site there will be tests.</p> <p>9 MR VICTOR DAWES: Let me show you a diagram. J1-2/6205.</p> <p>10 This is something introduced after the fire.</p> <p>11 MS CHEUNG YUK CHING: Right.</p> <p>12 MR VICTOR DAWES: What about before the fire? You look at</p> <p>13 the certificate but there is no such mechanism to verify</p> <p>14 the authenticity?</p> <p>15 MS CHEUNG YUK CHING: Right.</p> <p>16 MR VICTOR DAWES: This is in accordance with a practice note</p> <p>17 issued on 19 October 2025. Let's go to page 6203,</p> <p>18 paragraph 10. It says that the current practice</p> <p>19 involves site audit checks.</p> <p>20 MS CHEUNG YUK CHING: Right.</p> <p>21 MR VICTOR DAWES: If I understand correctly, it seems that</p> <p>22 the current practice is that randomly, at different</p> <p>23 locations, different floors there will be sample taken.</p> <p>24 The samples is forwarded to the government laboratory or</p> <p>25 certain laboratories under the CEDD.</p>	<p>1 Should all the buildings undergo major renovation at the</p> <p>2 same time? Should they all be wrapped in combustible</p> <p>3 materials at the same time? So your stance before and</p> <p>4 after the fire, can you elaborate?</p> <p>5 MS CHEUNG YUK CHING: Perhaps I will first tell you the</p> <p>6 rationale behind the major renovations of the many</p> <p>7 blocks. Under the MBIS, we adopt a risk-based approach</p> <p>8 in the selection of target buildings. There is a</p> <p>9 building score system. If a building scores a high</p> <p>10 score, that means there are -- there is danger because</p> <p>11 of spalling and materials -- bits falling from height.</p> <p>12 This is high-risk because it may fall on someone. So</p> <p>13 under the scoring system, if a building scores a high</p> <p>14 point, and if there is a building cluster, then we will</p> <p>15 choose them to do the mandatory inspection. We have</p> <p>16 received feedback from residents that if we select one</p> <p>17 block and not the other in the same complex, there will</p> <p>18 be problems because it's the same building cluster.</p> <p>19 These blocks are under the same DMC and land lease. If</p> <p>20 they are not treated in the same way, there will be</p> <p>21 practical problems. Blocks in the same complex are</p> <p>22 built around the same time, so the materials used and</p> <p>23 the works method would be the same. If one block has</p> <p>24 risks and is dangerous, then the others may be the same.</p> <p>25 MR VICTOR DAWES: We understand that all eight blocks</p>
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<p>1 MS CHEUNG YUK CHING: Right.</p> <p>2 MR VICTOR DAWES: So you don't do tests on site, you just</p> <p>3 take samples for testing in labs?</p> <p>4 MS CHEUNG YUK CHING: When it comes to nets, we don't</p> <p>5 conduct on-site tests.</p> <p>6 MR VICTOR DAWES: Can you tell me why?</p> <p>7 MS CHEUNG YUK CHING: Because there is a standard, a testing</p> <p>8 standard. It dictates that environment will have to be</p> <p>9 specified when the tests are done. So when it comes to</p> <p>10 the net, lengthwise, widthwise are tested differently.</p> <p>11 Certain criteria have to be complied with.</p> <p>12 MR VICTOR DAWES: So your current approach is to ensure the</p> <p>13 accuracy of the test?</p> <p>14 MS CHEUNG YUK CHING: Right.</p> <p>15 MR VICTOR DAWES: Given the fact that you have not done</p> <p>16 these tests, the case of Wang Fuk Court, I'll ask the</p> <p>17 ICU because you said that they were in charge.</p> <p>18 So from your stance, given the fact that the many</p> <p>19 blocks of Wang Fuk Court were enveloped in scaffolding</p> <p>20 nets, I'd like to ask you about the feasibility of doing</p> <p>21 the works by phases. We have not heard from the expert</p> <p>22 witness but we understand that combustible materials on</p> <p>23 the facade increase the fuel load of the fire, hence the</p> <p>24 rapid spread. That's the same for the Chinachem Tower.</p> <p>25 They are both facade fire, so there is this issue.</p>	<p>1 require maintenance. We just want to know whether the</p> <p>2 eight blocks would have to undergo the works at the same</p> <p>3 time.</p> <p>4 MS CHEUNG YUK CHING: Understand. As to whether the eight</p> <p>5 blocks had to be done at the same time, it depends on</p> <p>6 the contract and the works method. There may be</p> <p>7 different arrangements. It can be done by phases.</p> <p>8 MR VICTOR DAWES: Can I put it this way. There may be</p> <p>9 different considerations. There is no rigid criteria.</p> <p>10 However, after the fire, according to you, there are</p> <p>11 still many considerations but it's not this fixed idea</p> <p>12 that it should be done by phases.</p> <p>13 MS CHEUNG YUK CHING: We have issued codes reminding</p> <p>14 contractors and professionals to conduct risk assessment</p> <p>15 before the works start. We also suggest to owners to do</p> <p>16 the works by phases. Indeed, that is the approach</p> <p>17 adopted by some complexes.</p> <p>18 MR VICTOR DAWES: So the decision is left to them and a risk</p> <p>19 assessment will have to be done. The reminder comes</p> <p>20 after the fire.</p> <p>21 MS CHEUNG YUK CHING: Right.</p> <p>22 MR VICTOR DAWES: In March this year?</p> <p>23 MS CHEUNG YUK CHING: Yes.</p> <p>24 MR VICTOR DAWES: I will move on to foam board. It will</p> <p>25 take some time.</p>

Page 37	<p>1 THE HON MR JUSTICE DAVID LOK: Let's take a break of 2 10 minutes. I think time is tight today. 10 minutes. 3 (11.12 am) 4 (A short adjournment) 5 (11.22 am) 6 THE HON MR JUSTICE DAVID LOK: Mr Dawes, we still have two 7 witness statements to go, so are you going to call those 8 witnesses? 9 MR VICTOR DAWES: There's little dispute about the content 10 of the statement. 11 THE HON MR JUSTICE DAVID LOK: For those two statements, 12 those are heavy on details. Those details may be part 13 of the report so we should put those two witness 14 statements online. Those two witnesses will not attend 15 today, but I want to put those witness statements 16 online. 17 MR VICTOR DAWES: We agree, chairman. We see the necessity 18 too. Thank you. 19 Ms Cheung, we will now turn to the foam boards. As 20 you can see, this is top of mind for everyone. There's 21 a claim that covering the windows with foam boards is 22 industry practice in renovation projects. Is that in 23 line with your understanding? 24 MS CHEUNG YUK CHING: As far as I know I haven't seen the 25 use of foam boards, but I want to supplement my</p>	Page 39
Page 38	<p>1 response. After the fire, our department inspected 400 2 or so private residential blocks undergoing maintenance 3 projects. We did not see the use of foam boards. 4 MR VICTOR DAWES: But that can be due to different reasons. 5 From your understanding, before this fire you had not 6 heard about the use of foam boards during maintenance 7 projects? 8 MS CHEUNG YUK CHING: I haven't seen that myself. 9 MR VICTOR DAWES: We also have a witness statement from 10 Mr Yue. Paragraph 74 has this to say. WS1, page 837. 11 It appears that he does not see the use of foam boards 12 as common practice either. So here it says extensive 13 use of foam boards may not be seen as common practice in 14 major renovation works across the territory. So our 15 impression is that he doesn't see that as a common 16 practice either. 17 I want to explore with you this issue about 18 regulation. So can you tell us, under the Building 19 (Construction) Regulation, J1-1/5745, this is part 8, 20 this has to do with the external walls and also the 21 curtain walls. On the use of foam boards on windows, 22 part 10, on top of part 8, may also have to do with 23 this. So page 5751. This is about the requirement for 24 fire safety. We have the fire-resisting construction 25 requirements.</p>	Page 40
Page 39	<p>1 Before we come to these provisions, can you tell us, 2 in broad terms, for the use of foam boards on windows, 3 as you see it, is there regulation on the material for 4 these foam boards? 5 MS CHEUNG YUK CHING: I want to clarify. Do you mean the 6 use of foam boards in a general sense? 7 MR VICTOR DAWES: For the use of materials covering windows 8 during maintenance project, based on your understanding, 9 is there regulation on the use of materials? If so, 10 what are these regulations? 11 MS CHEUNG YUK CHING: If a procedure is part of 12 a maintenance project and there are temporary measures, 13 regulation 16 under the Building (Construction) 14 Regulation has something to say on that. 15 MR VICTOR DAWES: That's page 661, bundle B2. Let's look at 16 regulation 16. So the contractor has to use proper 17 construction methods and procedures and take appropriate 18 precautions? 19 MS CHEUNG YUK CHING: Correct. 20 MR VICTOR DAWES: Your reading of this provision is that, 21 because of this provision, materials covering windows 22 are subject to regulation? 23 MS CHEUNG YUK CHING: That's correct. 24 MR VICTOR DAWES: Also under the Building (Construction) 25 Regulation, let's look at B2, page 1159. This is the</p>	Page 40
Page 40	<p>1 code of practice. F5.6, (f): 2 "Any inflammable and combustible materials to be 3 kept in the building should be stored under safe custody 4 and avoid accumulating excessive quantity." 5 There's a reference to the Dangerous Goods Ordinance 6 and regulations. So that's for the FSD. 7 MS CHEUNG YUK CHING: Correct. 8 MR VICTOR DAWES: For your department, do you also consider 9 this provision? 10 MS CHEUNG YUK CHING: Inappropriate materials used as part 11 of a project can lead to fire safety issues. When we 12 come across that, we also take enforcement actions. 13 MR VICTOR DAWES: Let's look at APP-70, J1-1/688. Let's 14 look at 4(c). There's another requirement further down. 15 Building Authority signed off. Requirement for (c), the 16 material covering external walls cannot block 17 ventilation and natural light. So the use of 18 intransparent foam boards to cover windows will prevent 19 people living inside from seeing outside and that's 20 a hazard. 21 MS CHEUNG YUK CHING: I agree. 22 MR VICTOR DAWES: Is it your position that -- let's look at 23 Mr Yue's statement. That may be helpful. WS1/886. 24 Let's look at paragraph 72. Let's zoom out a bit so we 25 can see the entire paragraph.</p>	Page 40

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<p>1 Mr Yue has also explained this clearly. As far as</p> <p>2 he can see, based on the practice notes and codes of</p> <p>3 practice, the use of foam boards to cover windows may</p> <p>4 breach the regulations we have seen. This will warrant</p> <p>5 further investigation, but that seems to be his view.</p> <p>6 MS CHEUNG YUK CHING: Correct.</p> <p>7 MR VICTOR DAWES: And that also represents the departmental</p> <p>8 view?</p> <p>9 MS CHEUNG YUK CHING: That's correct.</p> <p>10 MR VICTOR DAWES: So can you help me with this point. Let's</p> <p>11 look at the same bundle, page 648. This is from Mr Andy</p> <p>12 Ku Siu Ping, paragraph 59. Simply put, Mr Ku's view</p> <p>13 seems to be that the legislative provisions do not set</p> <p>14 out any standards or requirements about the use of foam</p> <p>15 boards. He also says that his understanding seems to</p> <p>16 differ slightly from what you have said. The use of</p> <p>17 foam boards cannot be taken as a sign that this person</p> <p>18 has breached section 16 of the Building (Construction)</p> <p>19 Regulation. So we have heard your explanation. So can</p> <p>20 I put it this way: based on the account from Mr Ku here,</p> <p>21 Mr Ku's account is at variance with what you have said,</p> <p>22 so you differ on this point; is that right?</p> <p>23 MS CHEUNG YUK CHING: I think Mr Ku should be the one</p> <p>24 explaining this point.</p> <p>25 MR VICTOR DAWES: He will offer his account, but for your</p>	<p>1 and that's also against section 16; correct?</p> <p>2 MS CHEUNG YUK CHING: If the material covers the windows</p> <p>3 over extended periods of time, that is also against</p> <p>4 section 40 of the Building (Planning) Regulations.</p> <p>5 MR VICTOR DAWES: Why?</p> <p>6 MS CHEUNG YUK CHING: Windows are supposed to allow light to</p> <p>7 come in, especially for residential blocks -- I'm sorry,</p> <p>8 not section 40. It has to do with the requirement under</p> <p>9 the Building (Planning) Regulations. For every unit,</p> <p>10 there should be natural light and natural ventilation.</p> <p>11 MR VICTOR DAWES: Why? Why is natural lighting required?</p> <p>12 MS CHEUNG YUK CHING: This is about hygiene. You should be</p> <p>13 able to see what's outside through the windows. When</p> <p>14 there is a maintenance project, the people inside should</p> <p>15 be able to see what's outside.</p> <p>16 MR VICTOR DAWES: So, to use your example, if the windows</p> <p>17 are not blocked, when there's a fire you can see that?</p> <p>18 MS CHEUNG YUK CHING: That's correct.</p> <p>19 MR VICTOR DAWES: So when the BD comes across a project</p> <p>20 involving the use of foam boards or other intransparent</p> <p>21 material covering the windows over extended periods of</p> <p>22 time, we leave aside the combustibility, you will not</p> <p>23 approve that?</p> <p>24 MS CHEUNG YUK CHING: We won't approve that.</p> <p>25 MR VICTOR DAWES: And when you come across that, you will</p>
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<p>1 department, do you agree with him on this point?</p> <p>2 MS CHEUNG YUK CHING: Extensive use of foam boards to cover</p> <p>3 windows is an improper work procedure and that may be</p> <p>4 against section 16 of the Building (Construction)</p> <p>5 Regulation.</p> <p>6 MR VICTOR DAWES: So Mr Ku sees no breach but you think</p> <p>7 there may be a violation?</p> <p>8 MS CHEUNG YUK CHING: We think this is inconsistent with</p> <p>9 section 16.</p> <p>10 MR VICTOR DAWES: Let's look at page 650. Mr Ku says he</p> <p>11 checked with the officer seconded from the BD to the</p> <p>12 ICU. If that colleague says the use of foam boards is</p> <p>13 not against the requirement, this does not reflect the</p> <p>14 BD's view; is that correct?</p> <p>15 MS CHEUNG YUK CHING: I'm not sure whether he checked with</p> <p>16 that colleague and how he asked, so I cannot answer the</p> <p>17 question.</p> <p>18 MR VICTOR DAWES: Before the fire, if the BD was alerted not</p> <p>19 necessarily about Wang Fuk Court, maybe it's just a</p> <p>20 private residential block, say someone filed a complaint</p> <p>21 about the use of intransparent materials to cover the</p> <p>22 windows for extended periods of time -- let's leave</p> <p>23 aside the issue about whether it is combustible, we're</p> <p>24 simply talking about intransparent material. If I'm</p> <p>25 reading this right, that is against the code of practice</p>	<p>1 enforce the law?</p> <p>2 MS CHEUNG YUK CHING: That's correct.</p> <p>3 MR VICTOR DAWES: If the materials covering the windows are</p> <p>4 combustible, that's another hazard. I believe the BD</p> <p>5 won't approve that.</p> <p>6 MS CHEUNG YUK CHING: We won't approve that. Instead,</p> <p>7 we would take enforcement actions.</p> <p>8 MR VICTOR DAWES: In the case of Wang Fuk Court,</p> <p>9 I understand this case falls under the purview of the</p> <p>10 ICU. Prestige, the RC, did not provide the foam board</p> <p>11 testing report. The account from Prestige was that the</p> <p>12 material was fire-retardant and it was only used as</p> <p>13 a temporary measure. Based on such information per se,</p> <p>14 can I say the BD will not just rely on or accept such</p> <p>15 information and take further steps?</p> <p>16 MS CHEUNG YUK CHING: Indeed.</p> <p>17 MR VICTOR DAWES: And if the contractor says then, what</p> <p>18 further steps will you take?</p> <p>19 MS CHEUNG YUK CHING: We would simply tell the contractor</p> <p>20 that doesn't work.</p> <p>21 MR VICTOR DAWES: You mentioned B(P)R, that's section 30(1),</p> <p>22 so I will read out this part:</p> <p>23 "Lighting and ventilation used or intended to be use</p> <p>24 for habitation or as an office or kitchen.</p> <p>25 (1) Every room used for habitation or for the</p>

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<p>1 purposes of an office or as a kitchen shall be provided 2 with natural lighting and ventilation." 3 So that's what you have in mind? 4 MS CHEUNG YUK CHING: That's correct. 5 THE HON MR JUSTICE DAVID LOK: Sorry. I need to put that in 6 the report so I need the source. 7 MR VICTOR DAWES: B2/547. 8 THE HON MR JUSTICE DAVID LOK: Thank you. 9 MR VICTOR DAWES: So here's my question. After the fire, in 10 March, your department issued a circular. So is that 11 what we see on B2/5718? 12 Let's go to the bottom. We will see the date. 13 16 March this year. This circular also mentions issues 14 related to this case. You are familiar with it? 15 MS CHEUNG YUK CHING: Yes. 16 MR VICTOR DAWES: Let's look at 2(f). Here's what it says. 17 For the construction site of a building or a maintenance 18 project, if you need to store any flammable or 19 combustible material, you have to keep the material 20 under safe storage, don't hoard the materials so that we 21 do not get a fire. And combustibles include foam 22 boards; they cannot be put on external walls or windows. 23 So after the fire, this has now become a hard and fast 24 rule. It's a clearly expressed requirement. 25 MS CHEUNG YUK CHING: That's correct.</p>	<p>1 openings. We know what has happened. The windows of 2 the fire escape staircase have been opened into access 3 openings to convenience workers. Do you think that this 4 is common practice under the BD? 5 MS CHEUNG YUK CHING: We do not believe this is common 6 practice. As I said, we've conducted inspection when 7 works were being done, and after the fire we inspected 8 400-plus buildings. Eight buildings have these access 9 openings so that's only about 2 per cent. 10 MR VICTOR DAWES: We know there is a reason for opening the 11 access openings to convenience the workers to enter and 12 exit the building. Taking aside the eight buildings, 13 what is the practice in other buildings? 14 MS CHEUNG YUK CHING: There can be different ways to climb 15 up the scaffold. The scaffold is actually for workers 16 to access the upper floors. A scaffold is for the 17 workers to go up to do their work. 18 MR VICTOR DAWES: You may have noticed that -- we have heard 19 that when there are no such access openings, workers may 20 not be able to go indoors quickly when there is a fire. 21 MS CHEUNG YUK CHING: If there is an access opening at the 22 fire escape staircase and when there is a fire, 23 residents would be using the fire escape staircase. But 24 during that time, when some people are entering the 25 building fire and access opening, that would actually be</p>
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<p>1 MR VICTOR DAWES: Can I put it this way. Let's say 2 a contractor comes and tells you that this is only 3 a temporary measure, it's only going to be used for 4 a short period of time. That would still be in 5 contravention; am I correct? 6 MS CHEUNG YUK CHING: For (g), it's appropriate to use foam 7 boards. However, if there is some temporary chiselling 8 work to be done, (g) states that if it is a temporary 9 covering of windows, it is allowed. 10 MR VICTOR DAWES: It says it's a temporary short-term 11 covering under (g), so you're making it clear that foam 12 boards could not be used at all, even temporarily, but 13 you can cover the windows temporarily for a short period 14 of time? 15 MS CHEUNG YUK CHING: Yes. 16 MR VICTOR DAWES: We see that there is a huge difference 17 between the regulations before and after the fire, and 18 this is stipulated because of the fire; am I right? 19 MS CHEUNG YUK CHING: We just want to be clear. 20 MR VICTOR DAWES: What do you mean by that? Can I 21 understand that it shouldn't be used before the fire. 22 MS CHEUNG YUK CHING: Right. 23 MR VICTOR DAWES: But now you're just making it clearer? 24 MS CHEUNG YUK CHING: Correct. 25 MR VICTOR DAWES: Now I'd like to move on to access</p>	<p>1 a hazard to residents who are trying to escape. 2 MR VICTOR DAWES: You have inspected other construction 3 sites. Other than access openings, are there other ways 4 to go up the scaffolding? 5 MS CHEUNG YUK CHING: There may be different ways. Workers 6 may go up and down via the rooftops. 7 MR VICTOR DAWES: You have only seen a few buildings using 8 access openings? 9 MS CHEUNG YUK CHING: Yes, only those few. 10 MR VICTOR DAWES: We would like you to look at the relevant 11 regulations. Am I right in saying that the BD's 12 position on access openings in affecting the structure 13 of the fire escape staircase and the fire escape 14 staircase being a passive fire safety measure is in 15 contravention of regulations? 16 MS CHEUNG YUK CHING: Yes. 17 MR VICTOR DAWES: Let's go back to the Building 18 (Construction) Regulation. Let's go to J1-2/5751, 35(a) 19 and (b). 20 Can you explain whether an access opening would 21 contravene the regulations here? 22 MS CHEUNG YUK CHING: 35(a) states that a fire would not 23 spread, and so the building design must be 24 fire-retardant. And under (b) it states that there must 25 be adequate resistance between different buildings.</p>

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<p>1 MR VICTOR DAWES: Is (b)(ii) related?</p> <p>2 MS CHEUNG YUK CHING: A bit.</p> <p>3 MR VICTOR DAWES: We've seen section 16. It states that</p> <p>4 appropriate precautionary measures should be taken. Do</p> <p>5 you think that this is a contravention of section 16?</p> <p>6 MS CHEUNG YUK CHING: Yes. The access opening breaches</p> <p>7 section 16 because it is not an appropriate work</p> <p>8 procedure.</p> <p>9 MR VICTOR DAWES: We have seen the building fire safety</p> <p>10 regulation. Can I refer you to B/1158, F5.6(a). Here</p> <p>11 it is stated that:</p> <p>12 "All means of escape should be maintained at all</p> <p>13 times."</p> <p>14 This would also be a problem from a fire safety</p> <p>15 perspective.</p> <p>16 MS CHEUNG YUK CHING: Correct.</p> <p>17 MR VICTOR DAWES: Mr Yue in his witness statement in</p> <p>18 paragraph 66 also mentioned that access openings made</p> <p>19 from wood would not comply with fire-retardant</p> <p>20 materials. And as the windows are covered by</p> <p>21 combustible materials, that would also be</p> <p>22 a contravention of the regulation.</p> <p>23 MS CHEUNG YUK CHING: Yes.</p> <p>24 MR VICTOR DAWES: A fire escape staircase also needs natural</p> <p>25 lighting.</p>	<p>1 inspection process?</p> <p>2 MS CHEUNG YUK CHING: Correct. During the work process, RI</p> <p>3 has the responsibility to notify the BD when there are</p> <p>4 any contraventions.</p> <p>5 MR VICTOR DAWES: So, according to you, an access opening</p> <p>6 would be a contravention?</p> <p>7 MS CHEUNG YUK CHING: Correct.</p> <p>8 MR VICTOR DAWES: Before the fire, when BD receives</p> <p>9 information that a building under your authority has an</p> <p>10 access opening, you would take action?</p> <p>11 MS CHEUNG YUK CHING: Correct.</p> <p>12 MR VICTOR DAWES: I would now like to go to the inspection</p> <p>13 mechanism. We have gone through this in our hearing.</p> <p>14 I would like you to take a look at WS1/670,</p> <p>15 paragraphs 42 to 45. Mr Yung Wing Lun from ICU's</p> <p>16 witness statement are in these paragraphs. Could you</p> <p>17 please read through them briefly.</p> <p>18 Paragraph 42. ICU, on 22 December 2025, knew that</p> <p>19 since April 2023 the BD has amended its guidelines, and</p> <p>20 so for minor works, BD will do random spot checks.</p> <p>21 You see this written here? And paragraph 43:</p> <p>22 "... if the BD had informed the ICU of its latest</p> <p>23 practice of conducting site safety ..."</p> <p>24 Then they would have inspected the staircase. Does</p> <p>25 it mean that the BD did not communicate this mechanism</p>
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<p>1 MS CHEUNG YUK CHING: Yes.</p> <p>2 MR VICTOR DAWES: J1-1, paragraph 40, this is a regulation</p> <p>3 you were referring to?</p> <p>4 MS CHEUNG YUK CHING: Correct.</p> <p>5 MR VICTOR DAWES: J1-2/4850, you would see the code of</p> <p>6 practice for the Mandatory Building Inspection Scheme.</p> <p>7 Let us take a look at 4881. This is the 2023 edition.</p> <p>8 Let us look at (E) here. When RI sees that there are</p> <p>9 unauthorised alterations and additions, then they must</p> <p>10 notify the Building Authority.</p> <p>11 Look at (b):</p> <p>12 "Unprotected openings at enclosure walls of exit</p> <p>13 routes or compartment walls, floors and ceilings ..."</p> <p>14 That means that with an access opening it would also</p> <p>15 breach this regulation.</p> <p>16 MS CHEUNG YUK CHING: I'd like to supplement.</p> <p>17 MR VICTOR DAWES: Look at (e) first:</p> <p>18 "Alteration to escape routes ..."</p> <p>19 MS CHEUNG YUK CHING: Let me first supplement. If I</p> <p>20 remember correctly, RI's responsibility in their</p> <p>21 inspection, they would need to check whether there are</p> <p>22 any contraventions, to see whether access openings are</p> <p>23 made.</p> <p>24 MR VICTOR DAWES: So this is during the inspection process,</p> <p>25 not during the work procedures, it is during the</p>	<p>1 with the ICU, therefore, ICU did not notice the access</p> <p>2 opening issue? What do you have to respond to that?</p> <p>3 MS CHEUNG YUK CHING: We would of course check with them</p> <p>4 whether it is their stance. This is not under my</p> <p>5 purview, this is under minor works, but I can tell you</p> <p>6 something about the mechanism.</p> <p>7 If minor works is chosen for audit, there would be a</p> <p>8 proposal which would be sent to our site monitoring</p> <p>9 section. It would be sent to the site monitoring</p> <p>10 system. The site monitoring system would conduct</p> <p>11 on-site review. If it is minor works, then the priority</p> <p>12 would be a bit lower than other works. It would take</p> <p>13 around 16 weeks before they conduct the inspection. But</p> <p>14 as minor works are to be completed within a short period</p> <p>15 of time, site monitoring would be conducted on a regular</p> <p>16 basis. It's just that some sites would be selected for</p> <p>17 early inspection. About 20 per cent of them would be</p> <p>18 selected for early inspection so we can identify</p> <p>19 problems at an early stage. And then for the rest,</p> <p>20 it would take the usual 16 weeks.</p> <p>21 MR VICTOR DAWES: All right. So you have minor works could</p> <p>22 be completed in a short time, therefore, an inspection</p> <p>23 will only be done in 16 weeks. But then I'm sure you</p> <p>24 would agree that many minor works take longer than 16</p> <p>25 weeks?</p>

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<p>1 MS CHEUNG YUK CHING: Yes, some take longer. But for many 2 minor works at buildings, before the fire, usually will 3 take longer than 16 weeks. 4 MR VICTOR DAWES: Yes. For major works it would take longer 5 than 16, but we know building works will be defined as 6 minor works. 7 MS CHEUNG YUK CHING: Right. 8 MR VICTOR DAWES: And many will take longer than 16 weeks? 9 MS CHEUNG YUK CHING: Yes. 10 MR VICTOR DAWES: Of course, we need to explore what goes 11 under minor works. But let's first take a look at 12 paragraph 42. This involves a communication issue; had 13 the ICU been notified earlier, it would be different. 14 MS CHEUNG YUK CHING: Yes. 15 MR VICTOR DAWES: So what is your position on that? 16 MS CHEUNG YUK CHING: Of course we know that stronger 17 communication would be better. 18 MR VICTOR DAWES: That's for sure. Could you more 19 specifically tell us more about it, because the ICU said 20 that they did not know of it? 21 MS CHEUNG YUK CHING: I can't really speak for them. 22 MR VICTOR DAWES: They should know; are you saying that? 23 MS CHEUNG YUK CHING: This is not under my ambit. 24 MR VICTOR DAWES: All right. I will consider asking your 25 colleagues that question then.</p>	<p>1 MR VICTOR DAWES: Why do you not notify them in advance? 2 What is your reasoning behind it? 3 MS CHEUNG YUK CHING: When we conduct site audits, we want 4 to see whether there are any on-site contraventions. 5 Therefore, we would not notify them in advance. 6 MR VICTOR DAWES: Let's say a complaint is on contravention. 7 You would of course want to find out if there is such 8 a case and for that case you would notify the RIs? 9 MS CHEUNG YUK CHING: We would first go to conduct an 10 on-site inspection. We may not necessarily notify them 11 in advance. 12 MR VICTOR DAWES: But it seems that there is no fixed way in 13 doing that. 14 MS CHEUNG YUK CHING: In theory, we will go to the site to 15 inspect first, but there is a chance that there will be 16 follow-up work required. Then we will inform them about 17 necessary follow-up work. 18 MR VICTOR DAWES: Can you give us some information about 19 this document, J2/7919. It's minor works site 20 monitoring manual. It says here "Site Monitoring 21 Section Manual". It is related to site audit check. In 22 1.1 it talks about: 23 "The aim of SMS is to ensure the construction safety 24 and quality ... works in progress through systematic 25 site audit conducted as surprise inspections without</p>
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<p>1 Perhaps you could help me on a different matter. In 2 your inspection, would you notify the contractors or 3 related parties in advance? We know this is an issue we 4 must look into for this case. Putting aside why we did 5 that earlier, the contractors were notified in advance 6 about the inspection of scaffolding nets and so they 7 were able to mix the scaffolding nets. But for 8 inspections, would you first notify the RIs or RCs in 9 advance? 10 MS CHEUNG YUK CHING: It would depend on the circumstances. 11 When we receive complaints, we would first try and 12 understand it from the complainant and, when deemed 13 necessary, we would approach the RI or the contractor. 14 For urgent matters, we would not notify the RI or RC 15 because there might be more urgent actions to be taken. 16 MR VICTOR DAWES: So you actually conduct a spot checks 17 without notifying them in advance. 18 MS CHEUNG YUK CHING: Audits. 19 MR VICTOR DAWES: So we have seen the 300 cases in your 20 witness statement. You would not notify them in 21 advance? 22 MS CHEUNG YUK CHING: Yes, we would not. 23 MR VICTOR DAWES: So you would just go without giving 24 notice? 25 MS CHEUNG YUK CHING: Yes.</p>	<p>1 prior notification to ... all the construction and 2 demolition sites." 3 That's the basis you talked about, that is no prior 4 notification for audit checks? 5 MS CHEUNG YUK CHING: Right. 6 MR VICTOR DAWES: Using access openings as an example, if 7 there are complaints that access openings are created, 8 under your practice you will first go to the site to get 9 an understanding to see if there is any necessary 10 follow-up work? 11 MS CHEUNG YUK CHING: Right. What we want to do is to 12 confirm the actual situation mentioned in the complaint. 13 MR VICTOR DAWES: In the second witness statement of Mr Yue, 14 paragraph 7, WS14, page 2171, he says "without advance 15 notice", but then he talks about exceptions and reasons. 16 Say, for example, specialised personnels and equipment 17 are involved in the inspection or the PBP and the RC are 18 required to attend and rectify the emergency or 19 time-critical site issues. So it's about urgent 20 situations and you need their involvement so you will 21 give them notification. 22 MS CHEUNG YUK CHING: Right. 23 MR VICTOR DAWES: Let's talk about circumstances where 24 notifications are required. If someone tells you that 25 suspicious materials are used, say, for example,</p>

Page 57	<p>1 combustible nets or foam boards being used to cover</p> <p>2 windows, before the fire, in this situation, would you</p> <p>3 notify the RIs or RCs?</p> <p>4 MS CHEUNG YUK CHING: When we receive a complaint we will</p> <p>5 first go to the site to have a look. This is to confirm</p> <p>6 the situation. If necessary, as I said, we will</p> <p>7 approach the contractor or the RI for another</p> <p>8 inspection.</p> <p>9 MR VICTOR DAWES: So you will first verify the situation?</p> <p>10 MS CHEUNG YUK CHING: Right. We have to confirm the</p> <p>11 location and the actual situation.</p> <p>12 MR VICTOR DAWES: Using the nets as an example, can I say</p> <p>13 that you will -- whether the nets involved is different</p> <p>14 from others, say, for example, different shades or it's</p> <p>15 in patches next to the locations, to take examples, is</p> <p>16 also something that you are concerned with in the case</p> <p>17 of a test? So if samples are required for tests, will</p> <p>18 you give prior notification to the contractors or</p> <p>19 a decision will be made when you are there?</p> <p>20 MS CHEUNG YUK CHING: When it comes to nets, we need someone</p> <p>21 to cut the nets off. We need assistance, so there will</p> <p>22 be notification.</p> <p>23 MR VICTOR DAWES: What will be the period of notification?</p> <p>24 Will you go first to have a look?</p> <p>25 MS CHEUNG YUK CHING: Yes, we will go first to have a look.</p>	Page 59	<p>1 MS CHEUNG YUK CHING: Well, when a building is completed,</p> <p>2 before occupation permit is issued, we will conduct</p> <p>3 random checks. We don't want to let the developers know</p> <p>4 which block we will select, hence we will do it by</p> <p>5 random selection, selected by a computer as to the</p> <p>6 floors for inspection. We will not inform the developer</p> <p>7 about which floors have been selected.</p> <p>8 MR VICTOR DAWES: Regarding safety of the safety nets, we</p> <p>9 know that there is an internal guideline. Let's go to</p> <p>10 J2/7970, paragraph 2.4. Am I right to understand this</p> <p>11 way. 10 per cent of existing buildings will be selected</p> <p>12 by random. There will be several working days from the</p> <p>13 day of receiving the notification to contact the RC and</p> <p>14 then three days for arrangements of inspection. Why?</p> <p>15 MS CHEUNG YUK CHING: This is an internal guideline. Nets</p> <p>16 have been removed in Hong Kong and they will have to be</p> <p>17 mounted again. We sense that the parties are quite</p> <p>18 anxious when it comes to mounting the nets, so we keep</p> <p>19 in view these guidelines to see if there is any</p> <p>20 improvement needed. Our current approach is that there</p> <p>21 will be notification within seven days and inspection</p> <p>22 arrangements within three days.</p> <p>23 MR VICTOR DAWES: If someone says to you that that is the</p> <p>24 approach, notification given to contractors before the</p> <p>25 fire is not something outrageous because that's what is</p>
Page 58	<p>1 MR VICTOR DAWES: Will you specify to them where the samples</p> <p>2 can be taken? Can you answer this question?</p> <p>3 MS CHEUNG YUK CHING: Perhaps something that -- well, when</p> <p>4 it comes to something we would do before or after the</p> <p>5 fire, inspections in relation to nets, we make our own</p> <p>6 decisions. We select locations of different heights and</p> <p>7 different positions. We try to gather as many samples</p> <p>8 as possible.</p> <p>9 MR VICTOR DAWES: Let me give you another example. Let's go</p> <p>10 to J2, page 7908. The previous one or two pages. You</p> <p>11 see this is New Buildings Division 1 Manual.</p> <p>12 I understand that this practice note relates to</p> <p>13 whether the occupation permit is to be issued regarding</p> <p>14 new buildings. It may not have a direct correlation</p> <p>15 with this case but we'll just look at the logic.</p> <p>16 Page 7908, (2):</p> <p>17 "The [BD] should conduct the random selection in</p> <p>18 BDIS not more than one working day before the scheduled</p> <p>19 TOP ... inspection date with the selection result</p> <p>20 endorsed by the SBS."</p> <p>21 It then says a bit down:</p> <p>22 "Areas should be inspected should not be disclosed</p> <p>23 to the AP/RSE/RGE/RGBC/owner before the inspection."</p> <p>24 I'd like to ask to see if you can help us, what is</p> <p>25 the procedure or the logic behind this?</p>	Page 60	<p>1 done now, what will you say to that?</p> <p>2 MS CHEUNG YUK CHING: After the fire, in relation to the</p> <p>3 nets, they are procured with the assistance of the</p> <p>4 Construction Industry Council. As I said, there are</p> <p>5 many buildings requiring the mounting of safety nets, so</p> <p>6 there is a need. We will monitor the situation. It's</p> <p>7 only recently that nets are put back up again.</p> <p>8 MR VICTOR DAWES: So if someone asked you why a notification</p> <p>9 was given before the fire and it is normal, then you</p> <p>10 will tell that person that it is not right to say that</p> <p>11 because they cater for different situations?</p> <p>12 MS CHEUNG YUK CHING: Well, what I can say is that these are</p> <p>13 for different situations.</p> <p>14 MR VICTOR DAWES: You know what the ICU said. They said</p> <p>15 that the practice before the fire was that when it comes</p> <p>16 to site inspection, prior arrangements will have to be</p> <p>17 made with RI and RC because there was a need for them to</p> <p>18 reply to the complaint or information put forward. Do</p> <p>19 you agree?</p> <p>20 MS CHEUNG YUK CHING: I think you have to ask the ICU. They</p> <p>21 may have reasons. But for us, when we receive a</p> <p>22 complaint, we will go to the site for an inspection.</p> <p>23 Afterwards, we will make arrangements.</p> <p>24 MR VICTOR DAWES: Can I say that you won't comment on why</p> <p>25 they did it that way, but you won't do it like that; is</p>

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<p>1 that right?</p> <p>2 MS CHEUNG YUK CHING: I can only talk about how we do it.</p> <p>3 MR VICTOR DAWES: Let me put it plainly. Your practice is</p> <p>4 different from theirs, obviously. If someone complains</p> <p>5 and they said that "We will have to arrange for all the</p> <p>6 parties to be present before they go there", it's not</p> <p>7 something that you do; right?</p> <p>8 MS CHEUNG YUK CHING: There are different approaches.</p> <p>9 MR VICTOR DAWES: Can you answer my question? This is not</p> <p>10 how you do it?</p> <p>11 MS CHEUNG YUK CHING: In general we don't do it this way.</p> <p>12 MR VICTOR DAWES: I'd like to show you something relating to</p> <p>13 the access opening. II-3/5387. This a document</p> <p>14 submitted under the MBIS. We see very clearly that a</p> <p>15 window on the staircase was removed and replaced by a</p> <p>16 wooden board. In the project under your purview, if you</p> <p>17 receive this picture showing that an access opening is</p> <p>18 created, will the BD send someone over to follow up?</p> <p>19 MS CHEUNG YUK CHING: If I remember correctly, it is</p> <p>20 a submission under the minor works. If the case is</p> <p>21 selected for audit, this will be identified and a site</p> <p>22 visit will be done.</p> <p>23 MR VICTOR DAWES: If the case is selected and if you see the</p> <p>24 situation like this, you won't think that it is not</p> <p>25 problematic?</p>	<p>1 to before the fire, you've never audited the work of the</p> <p>2 ICU?</p> <p>3 MS CHEUNG YUK CHING: I'm not sure in this regard. I think</p> <p>4 it's under the evidence of another colleague.</p> <p>5 MR VICTOR DAWES: So as far as your understanding, is there</p> <p>6 something like this?</p> <p>7 MS CHEUNG YUK CHING: As far as I know, under the MBIS we</p> <p>8 have not selected their work for audit.</p> <p>9 MR VICTOR DAWES: Why is there such a clause? It is to</p> <p>10 ensure that you are consistent, your approach is</p> <p>11 consistent?</p> <p>12 MS CHEUNG YUK CHING: In principle, yes.</p> <p>13 MR VICTOR DAWES: Can you tell me why no audit has been</p> <p>14 done? There was no need or ...?</p> <p>15 MS CHEUNG YUK CHING: I can't answer you on this.</p> <p>16 MR VICTOR DAWES: Who will? Who can?</p> <p>17 MS CHEUNG YUK CHING: Mr Pang.</p> <p>18 MR VICTOR DAWES: Thank you. Thank you for being so patient</p> <p>19 with my questions.</p> <p>20 Questions by THE MEMBERS</p> <p>21 THE HON MR JUSTICE DAVID LOK: A member would like to ask a</p> <p>22 question.</p> <p>23 THE HON MR CHAN KIN-POR: I'd like to ask about the system</p> <p>24 of major renovation. You rely on professionals, say,</p> <p>25 for example, RIs and RCs, registered inspectors and</p>
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<p>1 MS CHEUNG YUK CHING: Well, there is an access opening</p> <p>2 created.</p> <p>3 MR VICTOR DAWES: So your answer is, "We won't think that it</p> <p>4 is not problematic", so if you spot this, then you will</p> <p>5 think that it is problematic; right?</p> <p>6 MS CHEUNG YUK CHING: Right.</p> <p>7 MR VICTOR DAWES: We saw an MOU in J1-1/2047.</p> <p>8 Paragraph 3.2, it says, line 3:</p> <p>9 "BD may conduct audit checks on ICU when necessary</p> <p>10 to ensure that the standards of checking by ICU are</p> <p>11 consistent with those of BD."</p> <p>12 Before the fire, according to the MOU, the BD has</p> <p>13 audited the work of the ICU; right?</p> <p>14 MS CHEUNG YUK CHING: I'd like to clarify. This is not done</p> <p>15 yet. According to what I know, this is not selected for</p> <p>16 audit.</p> <p>17 MR VICTOR DAWES: Let's look at the previous page. This is</p> <p>18 between the Housing Authority, the Buildings Department</p> <p>19 and the Housing Department. It is an MOU; right? Let's</p> <p>20 look at the last page of the document.</p> <p>21 1 July 2022 is the date when the document was</p> <p>22 signed. Can you see that?</p> <p>23 MS CHEUNG YUK CHING: Yes.</p> <p>24 MR VICTOR DAWES: So according to your understanding, in</p> <p>25 2022 the MOU was signed. That was 1 July. All the way</p>	<p>1 registered contractors, to carry out the work. However,</p> <p>2 in reality, there is no cross-checking and there is</p> <p>3 a problem of collusion. I'd like to ask you do you have</p> <p>4 any views in relation to reform and changes about</p> <p>5 something that should not happen? What is the current</p> <p>6 maximum penalty, imprisonment or revocation of their</p> <p>7 registration?</p> <p>8 MS CHEUNG YUK CHING: After the incident, the department has</p> <p>9 done something in a number of areas. There is also work</p> <p>10 being planned.</p> <p>11 Let me first talk about things we have done. First,</p> <p>12 in relation to major renovation, we have issued</p> <p>13 a circular letter to all registered building</p> <p>14 professionals and registered contractors to remind them</p> <p>15 of their duties. In relation to ongoing major</p> <p>16 renovation, we have stepped up our inspections. The</p> <p>17 inspection efforts will continue.</p> <p>18 The third point is in relation to the duties of the</p> <p>19 RI. I said that we would conduct random checks on</p> <p>20 inspection and completion of works. There is something</p> <p>21 else. When works is being conducted, we conduct random</p> <p>22 checks on records in relation to supervision. We'll</p> <p>23 also conduct on-site verification.</p> <p>24 Regarding nets, we have targeted measures on not</p> <p>25 substandard nets. We have put in place PNRC 85 in</p>

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<p>1 relation to regulation of scaffolding nets. There is 2 also work planned. Regarding major renovation works, it 3 will be elevated from class 2 to class 1. So authorised 4 persons will be in charge of work monitoring. Before 5 works start, plans will have to be submitted setting out 6 the works procedure and safety measures and approval 7 will have to be obtained before work can start. 8 In the future, when it comes to major renovation, 9 only owners and the authorised signatory can submit an 10 application for permit to start work. We will also 11 tighten the requirements when it comes to registration. 12 Last year we went to LegCo to talk about a legislative 13 amendment. We will enhance penalty. On top of that, 14 there is also the matter of disciplinary action. If 15 someone is convicted under the Prevention of Bribery 16 Ordinance, then there will be an immediate revocation of 17 registration. 18 THE HON MR CHAN KIN-POR: What about imprisonment in 19 relation to collusion? 20 MS CHEUNG YUK CHING: Not at the moment. 21 THE HON MR CHAN KIN-POR: Please look into it. Another 22 question. While people make use of technology, say, for 23 example, infrared, drones, to conduct facades 24 inspection, it's just like a body check in advance. 25 When a problem is identified, then repair work would be</p>	<p>1 minor works. For a housing estate like Wang Fuk Court, 2 what if you have a number of minor works put together? 3 So for Wang Fuk Court, there were eight blocks, you put 4 together all these minor works, do you take that as 5 minor works or major works for regulation? 6 MS CHEUNG YUK CHING: I discussed the context of the Minor 7 Works Control System. The thinking was that for 8 building, repairs may be needed based on the safety 9 requirements and the complexity. What happens in an 10 existing building is less complex than a new 11 construction site. The thinking back then was to make 12 things easier for flat owners. It was to keep things 13 easy for people to arrange the repairs. 14 DR REX AU YEUNG PAK-KUEN: For major works, the requirements 15 are much higher. So we shouldn't think about what to do 16 about that. 17 MS CHEUNG YUK CHING: Point taken. For class I minor works 18 in the future, the requirements will be more stringent 19 than now. Class I minor works now do not require 20 approval or vetting. In the future, plans submissions 21 will be needed. We will look at the procedures in the 22 future. We will have to provide our consent before the 23 works can start, so that will start to look more like 24 the major works. 25 DR REX AU YEUNG PAK-KUEN: Thank you.</p>
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<p>1 done to maintain the health of the building. 2 Professionals think that there is no need for major 3 renovation anymore because there is continuous 4 inspection conducted to make sure that everything is up 5 to standard so there won't be a need for any renovation 6 for four or five decades. Will the government provide 7 support? What is your view? 8 MS CHEUNG YUK CHING: On the use of drones, we already adopt 9 such means. Drone-based inspections can help us spot 10 quickly which buildings require repairs. We are already 11 adopting this means. As for the industry, the previous 12 approach was to use infrared technology. We're 13 encouraging the use of drones for testing. 14 THE HON MR CHAN KIN-POR: I hope you can encourage flat 15 owners and property management companies, if you use 16 scaffolding nets and -- use all those nets and people 17 are stuck inside for so long, that's very hard for the 18 people inside. We should use new technology. It's like 19 a health check. You should be paying attention to the 20 buildings all time instead of waiting for a problem to 21 come up. So please consider using technology to replace 22 major renovation project. 23 DR REX AU YEUNG PAK-KUEN: I want to follow up on regulation. 24 Regulation differs for minor works and major projects. 25 You cited an example of creating an opening. That's</p>	<p>1 THE HON MR JUSTICE DAVID LOK: I have some comments to make 2 about the policy aspect. I can see the original 3 intention; the Minor Works Control System can save money 4 for flat owners. You don't have to over-complicate 5 things. The original intention is good, but this fire 6 also shows the risks associated with this approach. For 7 such risky project, there's even less oversight than new 8 constructions because for existing buildings there are 9 people living inside. So in the future for the 10 department, you have to take into account the higher 11 casualties in your risk assessment for buildings that 12 are already occupied. 13 MS CHEUNG YUK CHING: I get your point. I want to 14 supplement my response. Indeed, for maintenance 15 projects involving existing buildings, there are higher 16 fire safety risks. Repairs are relatively 17 straightforward and there are no changes to the means of 18 escape. If the works follow our requirements in terms 19 of the precautions, the risks should be manageable. 20 In the case of Wang Fuk Court, there were 21 unqualified people involved and they used improper ways 22 to get the work done, so we would tighten our 23 regulations. So we would see an enhanced version of the 24 class I works control system. 25 THE HON MR JUSTICE DAVID LOK: We will still have to rely on</p>

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<p>1 the professionals. If the professionals don't do their 2 work, no amount of effort on your side will make up for 3 that. They are subject to your regulation so we'll have 4 to consider training for these professionals. 5 Otherwise, you have to commit vast resources into the 6 work. For lawyers, I don't have to get someone to audit 7 the work of counsel. As long as they get the work done, 8 that's fine. So this really warrants our attention. So 9 before we have the enhanced systems, we will have to 10 step up the inspections. 11 MS CHEUNG YUK CHING: Indeed, we have done that. So we are 12 inspecting more often and we are also increasing the 13 audits we do. 14 THE HON MR JUSTICE DAVID LOK: I also see a communication 15 issue between the BD and the ICU. Last week we 16 discussed the communication between the BD and the FSD. 17 That communication is crucial. Now the ICU is also part 18 of the picture. The BD delegated its powers to the ICU. 19 You cannot answer whether there was communication 20 between the ICU and the FSD, but the BD should be part 21 of the loop. So we should review this communication 22 mechanism. Is there anything amiss? There may have 23 been some slip-up, some problem in the follow-up on the 24 complaint. 25 MS CHEUNG YUK CHING: In response to this incident, we set</p>	<p>1 MR JEFFREY TAM: Is it a few hours? A few days? 2 MS CHEUNG YUK CHING: I cannot give you a specific length of 3 time. It depends on the facts of each case. 4 MR JEFFREY TAM: So you have looked at the scaffolding nets. 5 Say the nets come with a larger mesh or the colour is 6 different. In such a case, when will you inform the RI? 7 MS CHEUNG YUK CHING: That depends on the purpose of the 8 inspection. If it's an investigation, then we will act 9 quickly because we have to resolve the issue. 10 MR JEFFREY TAM: If you say "quickly", how quickly? 11 MS CHEUNG YUK CHING: Maybe a day or two. 12 MR JEFFREY TAM: So you still give notice a day or two in 13 advance? 14 MS CHEUNG YUK CHING: We have to make an appointment. 15 MR JEFFREY TAM: So for that window, how do you make sure 16 the contractors do not replace the scaffolding net? Are 17 there ways to prevent that? 18 MS CHEUNG YUK CHING: So we first inspect the site, we take 19 pictures normally, so we see what's the situation on the 20 ground. 21 MR JEFFREY TAM: And then you compare what you see the 22 second time? Is that what you mean? 23 MS CHEUNG YUK CHING: If follow-up action is needed, if we 24 have to take something off, then I can tell where 25 I should take the sample. If I see a different result</p>
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<p>1 up a working group. This working group involves the 2 FSD, the Labour Department and also the ICU, and we are 3 considering adding other departments to the working 4 group on how we can do a better job about maintenance 5 project. We will look at how we can do better at 6 communication. 7 THE HON MR JUSTICE DAVID LOK: Involved parties, any other 8 questions? 9 MR JEFFREY TAM: Chairman, I have some questions about 10 giving notice. 11 Examination by MR JEFFREY TAM 12 MR JEFFREY TAM: Ms Cheung, I'm Tam. I represent the 13 residents. 14 Just then Mr Dawes discussed scaffolding nets and 15 asked you about giving notice. Scaffolding nets, it's 16 about checking the scaffolding nets. Do you recall? 17 And then you also said the BD's approach was to first 18 inspect and then you give notice. 19 MS CHEUNG YUK CHING: Correct. 20 MR JEFFREY TAM: How long after the inspection do you let 21 the RI know? 22 MS CHEUNG YUK CHING: It depends. 23 MR JEFFREY TAM: From your experience, at which point after 24 your inspection? 25 MS CHEUNG YUK CHING: It depends on the facts.</p>	<p>1 when I take the sample, then I will see something has 2 been tampered with. 3 MR JEFFREY TAM: No further questions. 4 THE HON MR JUSTICE DAVID LOK: Other parties? 5 If not, over to Mr Jenkin Suen, counsel for the 6 Government. 7 MR JENKIN SUEN: Can we take a 10-minute break? I may not 8 have many questions, but there are points that I want to 9 confirm with the witness. 10 THE HON MR JUSTICE DAVID LOK: 10 minutes? Will 10 minutes 11 do? We have a packed schedule. 12 MR VICTOR DAWES: Chairman, we don't have any objection, but 13 if we can wrap up in the morning, then Ms Cheung can 14 leave without having to come back. 15 THE HON MR JUSTICE DAVID LOK: Let's come back at 12.45. 16 (12.32 pm) 17 (A short adjournment) 18 (12.45 pm) 19 THE HON MR JUSTICE DAVID LOK: Do we have enough time? We 20 understand that it would take some time. So if you do 21 need more time, please let me know. 22 MR JENKIN SUEN: Thank you, chairman. Thank you for giving 23 us some time to get instructions. We do not have any 24 other questions after consideration. 25 THE HON MR JUSTICE DAVID LOK: Any other re-examination?</p>

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<p>1 MR VICTOR DAWES: No. 2 (The witness was released) 3 (12.46 pm) 4 THE HON MR JUSTICE DAVID LOK: If that's the case, let us 5 resume in the afternoon. 6 MR VICTOR DAWES: I think we have enough time today. 7 THE HON MR JUSTICE DAVID LOK: All right. Let's resume at 8 2.15. 9 (12.46 pm) 10 (The luncheon adjournment) 11 (2.15 pm) 12 THE HON MR JUSTICE DAVID LOK: Mr Dawes. 13 MR VICTOR DAWES: The next witness is Mr Tse Kam Ming. 14 Mr Tse, good afternoon. Please be upstanding and 15 read the declaration in front of you. 16 (2.15 pm) 17 MR TSE KAM MING (affirmed) 18 Examination by MR VICTOR DAWES 19 MR VICTOR DAWES: Thank you. Please be seated. Mr Tse, we 20 know that before you retired you worked as a senior 21 building surveyor of the Buildings Department; right? 22 MR TSE KAM MING: Yes. 23 MR VICTOR DAWES: And you were once seconded to ICU? 24 MR TSE KAM MING: Right. 25 MR VICTOR DAWES: Can you tell us, on your CV, which year</p>	<p>1 the initiative to inspect buildings every year. If we 2 identify UBWs pursuant to our inspections, we will issue 3 removal orders. 4 I was also involved in the upgrading and revamping 5 of the computer system of the ICU. 6 These were my main duties. 7 MR VICTOR DAWES: In relation to major renovations, were you 8 involved? 9 MR TSE KAM MING: If you're talking about major renovations 10 of buildings under MBI notice, I wasn't involved because 11 there was another team in the ICU, that is the MBI team, 12 in charge of sending the window inspection, building 13 inspection orders as well as their follow-up work. That 14 also includes handling reports, complaints and enquiries 15 from residents. 16 MR VICTOR DAWES: Was that also a surveyor? 17 MR TSE KAM MING: Yes. The head of the team is a 18 professional-grade officer, a senior one. So it was 19 another senior building surveyor. 20 MR VICTOR DAWES: In other words, when you were at the ICU, 21 you did not take part in work regarding Wang Fuk Court; 22 is that right? 23 MR TSE KAM MING: I took part in the work of Wang Fuk Court. 24 I did not take part in issuing the notices to Wang Fuk 25 Court. There were issues such as water seepage,</p>
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<p>1 did you join the BD? 2 MR TSE KAM MING: 1998. 3 MR VICTOR DAWES: And you've been working in the BD all the 4 way to your retirement last year? 5 MR TSE KAM MING: Right. 6 MR VICTOR DAWES: Can you tell us, before you retired, you 7 were working in ICU? 8 MR TSE KAM MING: Yes, just over two years. 9 MR VICTOR DAWES: Information shows that in July last year 10 you retired, that is, you joined ICU in 2023. 11 MR TSE KAM MING: April 2023. 12 MR VICTOR DAWES: Can you tell the Committee what your main 13 duties are when you were working in the ICU? 14 MR TSE KAM MING: Yes. Just like Mr Dawes says, I was 15 seconded to ICU of the Housing Bureau in April 2023. 16 I worked in the existing building division. My position 17 was senior building surveyor/building control. My 18 duties involved monitoring work of existing buildings 19 under the HOS scheme as well as the tenant purchase 20 scheme estates. I handle complaints from tenants, 21 owners, handle their enquiries, reports, deal with water 22 seepage cases, breakage of pipes, unauthorised building 23 works, as well as dilapidation of buildings. I handle 24 complaints and enquiries. 25 In relation to the existing buildings team, we take</p>	<p>1 complaints about unauthorised building works and also 2 defective drains. Those tasks fell under our existing 3 buildings division. 4 MR VICTOR DAWES: So those tasks had to do with Wang Fuk 5 Court but had nothing to do with the renovation project? 6 MR TSE KAM MING: That's correct. 7 MR VICTOR DAWES: When you were at the ICU, there was 8 a Michael Yeung who was your superior and there was an 9 Anthony Hui. 10 MR TSE KAM MING: Correct. 11 MR VICTOR DAWES: You submitted two letters to answer 12 questions put to you by the Independent Committee, one 13 letter dated 11 March this year, the other letter was 14 dated 22 April this year. I believe you would confirm 15 that the content of the letters is correct? 16 MR TSE KAM MING: I confirm so. 17 MR VICTOR DAWES: Mr Tse, as you are aware, we invited you 18 to come here because Mr Andy Ku Siu Ping from the ICU, 19 based on his account, he inspected the site after 20 25 September 2024 and then he consulted you on the use 21 of foam boards covering windows. That's his account. 22 I want to show you the witness statement of Mr Ku so we 23 can explore that issue. WS1/650. 24 You have a copy; right? It's the same file, I just 25 printed it out. You can look at the copy on the screen.</p>

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<p>1 Let's look at the second point. 2 MR TSE KAM MING: Yes, I have it. 3 MR VICTOR DAWES: This is page 30 from his witness 4 statement. Here it mentions you. On 25 September 2024, 5 after the inspection, he asked you orally about covering 6 windows with foam boards. Then he was given to 7 understand that the use of foam boards as a temporary 8 measure was not an example of building works and there 9 was no requirement about the use of fire-retardant 10 materials. Therefore, the use of foam boards in that 11 way was not unauthorised building works. That's his 12 first account. I want to show you his supplementary 13 witness statement, page 2148 from WS2, paragraph 57. 14 This paragraph starts with the sentence: 15 "I visited Mr Tse's office after the inspection on 16 25 September ..." 17 Then he goes on to say -- I think you are familiar 18 with this paragraph? 19 MR TSE KAM MING: Yes. 20 MR VICTOR DAWES: And then he said he consulted you whether 21 there were guidelines or regulations issued by the 22 Buildings Department on the use of foam boards to cover 23 the windows. He said he had explained to you the 24 enquiries his team received about the use of foam boards 25 as temporary protection for windows. He asked you</p>	<p>1 including Mr Ku Siu Ping and his team, about flammable 2 foam boards. The complaint was assigned to the ICU. My 3 question to you is -- let's go up. Let's look at the 4 email dated 20 September. Andy Ku wrote to his 5 colleague which reads: 6 "Let's arrange a site inspection in low-profile 7 early next week. I will consult SBS/BC." 8 SBS/BC, does that refer to you? 9 MR TSE KAM MING: Yes. Senior building surveyor/building 10 control. 11 MR VICTOR DAWES: So here it reads: 12 "Let's arrange a site inspection in low-profile ..." 13 This seems to suggest that he would consult you. So 14 can I put it this way: you do not recall what was said, 15 but can you tell us, Mr Ku said you gave him verbal 16 advice. Do you recall he asked you something about that 17 and did you give the advice that he said you did? 18 MR TSE KAM MING: I do not recall that. Do I need to 19 elaborate? 20 MR VICTOR DAWES: Yes, please. 21 MR TSE KAM MING: I looked at his witness statement. He 22 said he had consulted me. He said he checked with me 23 after the site inspection. For me, I do not recall ever 24 receiving any details. 25 I want to clarify a point. He said he had checked</p>
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<p>1 whether that was any contravention and then he said 2 despite there was no written record of our discussion 3 today: 4 "... I recall Mr Tse advised that the use of foam 5 boards was not considered as building works and that 6 there was no requirement on the fire-retardant 7 properties of the foam boards ..." 8 You can see that sentence. And then we skip a 9 sentence. It reads here: 10 "He advised [meaning you] that as the said use of 11 foam boards would not be considered as unauthorised 12 building works, it would not be actionable." 13 By that it means the use of foam boards to cover 14 windows is not unauthorised building works so there was 15 no action to be taken. So my question to you is do you 16 recall back in September -- around September 2024, did 17 you talk to him about the use of foam boards? 18 Before you answer the question, I want to show you 19 another document. Let's look at I1-4, page 8721. 20 Let's go to the bottom, an email dated 19 September 21 from crmsadmin@housingauthority.gov.hk. 22 CRMS, that's complaint request management system; 23 right? 24 MR TSE KAM MING: That's correct. 25 MR VICTOR DAWES: So this email was there to alert the ICU,</p>	<p>1 with me verbally, so it seems to me that he came to me 2 for my view on the legislation. This kind of scenario 3 happened all the time. Colleagues came to me, asked for 4 my view on a certain piece of legislation. Sometimes it 5 was about other things such as internal manuals and 6 practice notes. So colleagues would sometimes come to 7 me for my views. So when I look at this case, I think 8 this may be one of those scenarios. 9 I looked at his witness statement. He said it was a 10 complaint, he came to consult me. I did not see the 11 complaint. I had no idea which housing estate he was 12 referring to. He said he had gone on a site visit and 13 then he had consulted to me verbally, but I have never 14 seen any inspection report. I did not see the photos. 15 I did not see the building plan. 16 He claimed he had consulted me. I had no idea if he 17 had quoted me in the reply to the complainant. If he 18 did, then to be fair to everyone if he relied on my 19 advice in his response to the complainant, then he at 20 least should have told me. If he had a draft, then he 21 should have let me know. That's to make sure that what 22 I said was consistent with his understanding. 23 Even if he skipped this step, if he relied on my 24 advice to respond to someone else, then he should have 25 forwarded a copy of such a response to me. That way</p>

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<p>1 I could tell that his understanding was correct.</p> <p>2 Without a copy of the email to the complainant, if there</p> <p>3 had been a slip of tongue, someone came to my desk for</p> <p>4 my view on an ordinance, I'm just saying by way of an</p> <p>5 example, I may have misspoken, I may have omitted</p> <p>6 something, then there was no chance for me to correct</p> <p>7 the record. So that's my view.</p> <p>8 On the question of whether I recall that case, it's</p> <p>9 more than a year and a half ago. He said he came to me</p> <p>10 about this question on foam boards covering windows.</p> <p>11 I do not recall this.</p> <p>12 MR VICTOR DAWES: Can you also assist us on WS3, page 1683,</p> <p>13 paragraph 2:</p> <p>14 "I would further elaborate that Mr Ku claimed to</p> <p>15 have verbally consulted me in the absence of any written</p> <p>16 confirmation or record. I would definitely treat this</p> <p>17 as an unfair allegation against me. In fact, from</p> <p>18 professional point of view, the statement made by</p> <p>19 Mr Ku ... point (B) and point (C) as mentioned in your</p> <p>20 letter is obviously unsound. To recap:</p> <p>21 (B) there was neither requirement under the</p> <p>22 Buildings Ordinance ... nor stipulated guidelines in any</p> <p>23 regulations, rules, codes of practice and standards</p> <p>24 regarding the use of foam boards as temporary protection</p> <p>25 for windows ...</p>	<p>1 used in the UK. In 2017 or 2018, around that time, I</p> <p>2 was working on the existing building team. I was also</p> <p>3 senior building surveyor. I was informed by the task</p> <p>4 force so my colleagues and I investigated and followed</p> <p>5 up.</p> <p>6 The process wasn't exactly smooth because we also</p> <p>7 spotted other irregularities. When we were gathering</p> <p>8 evidence we did a massive amount of work. It was</p> <p>9 time-consuming. We had to dig up all the records, about</p> <p>10 the building records, the subsequent alterations and</p> <p>11 also records from other sections, because we had to</p> <p>12 establish the facts before we could move on to the next</p> <p>13 step in taking enforcement action.</p> <p>14 For that case, my colleagues and I spent half a year</p> <p>15 or more than half a year to gather the evidence. We</p> <p>16 interviewed the authorised persons and consultants at</p> <p>17 the time. We also interviewed the property management</p> <p>18 or concierge at the building to make sure our</p> <p>19 investigation was fully accurate before we took</p> <p>20 follow-up actions.</p> <p>21 It was a lengthy investigation. First we wrote to</p> <p>22 the building and asked them to remove the structure.</p> <p>23 They refused so we issued a removal order. That's why</p> <p>24 the case of Grenfell Tower really sticks in my mind.</p> <p>25 When you put foam boards on the external wall of</p>
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<p>1 (C) there was no requirement on the fire-retardant</p> <p>2 properties of the foam boards ..."</p> <p>3 Let's pause here.</p> <p>4 So here you're saying this is Mr Ku's</p> <p>5 misunderstanding after he consulted you.</p> <p>6 And then moving on to the next paragraph, starting</p> <p>7 with "For your information", here you say that after the</p> <p>8 Grenfell Tower fire in the UK, in 2017 you undertook</p> <p>9 some work. Can you tell us what work you did?</p> <p>10 MR TSE KAM MING: In 2017, there was a tower in the UK in</p> <p>11 London, the tower caught fire during renovation works.</p> <p>12 One key factor for that fire was aluminium cladding on</p> <p>13 the tower. You apply tiles on some buildings but for</p> <p>14 other buildings, you put aluminium boards or claddings.</p> <p>15 Within the cladding there was foam, I forgot whether</p> <p>16 it's 3 millimetres or -- I forget the exact measurement,</p> <p>17 but there was flammable foam in the claddings and then</p> <p>18 the material caught fire, the entire tower caught fire.</p> <p>19 It's like a tower wearing a coat.</p> <p>20 After that fire, the Buildings Department took</p> <p>21 follow-up action. at that point the BD set up a task</p> <p>22 force. That task force was to identify towers with</p> <p>23 similar materials in Hong Kong. One day that task force</p> <p>24 alerted me, they told me a commercial building in my</p> <p>25 district had aluminium claddings similar to what was</p>	<p>1 a building extensively, there is a hazard.</p> <p>2 MR VICTOR DAWES: At the end of this paragraph you are clear</p> <p>3 that when you put foam boards on external walls there</p> <p>4 may be problems.</p> <p>5 MR TSE KAM MING: That's correct. That's because of the</p> <p>6 potential fire hazards.</p> <p>7 MR VICTOR DAWES: That's why when Mr Ku said he consulted</p> <p>8 you, you said this does not look like what you would</p> <p>9 have said.</p> <p>10 MR TSE KAM MING: Especially when he mentioned (B) and (C).</p> <p>11 (B) says that there is no law, Buildings Ordinance or</p> <p>12 any other guidelines, any other legislation, codes of</p> <p>13 practice, regulation applicable to the use of foam</p> <p>14 boards to cover windows. Even when you leave aside the</p> <p>15 point about what you say as a building professional,</p> <p>16 this kind of remark is not to be made lightly. This</p> <p>17 claim is poorly justified. Here it says no law, no</p> <p>18 regulation applies. If someone can name just one piece</p> <p>19 of legislation or just one circular letter, that's</p> <p>20 enough to rebut this claim.</p> <p>21 So even when we leave aside the Buildings Ordinance,</p> <p>22 this kind of remark is too sweeping.</p> <p>23 MR VICTOR DAWES: What about (C)?</p> <p>24 MR TSE KAM MING: From my understanding, putting foam boards</p> <p>25 all over the external wall of a building is a fire</p>

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<p>1 hazard. I was asked by the Independent Committee to 2 respond to these two points. I had no idea about 3 Wang Fuk Court. I had never seen the estate. My 4 understanding of the complex is the same as what applies 5 to most other people. I did not learn about it until I 6 saw the estate in news footage. A building on fire and 7 many foam boards, almost all windows were covered with 8 foam boards. That's what I saw. Then I cannot accept 9 any claim that foam boards pose no fire hazards. 10 MR VICTOR DAWES: Mr Ku in his third witness statement gave 11 further explanation. He said he didn't know that the 12 foam boards would be used for a long period of time and 13 he didn't know how many foam boards were used. 14 Looking back at the latest letter you gave to us, 15 WS16/2200, you had a saying that if the use of foam 16 boards is only for a short period of time and only for 17 a few units, then it may not be a contravention. Do you 18 agree? 19 MR TSE KAM MING: You can put it this way. According to 20 section 6 of the Building (Construction) Regulation, 21 whenever we undergo any construction works, we must take 22 precautionary measures. When you do chiselling on the 23 outer wall, it may actually crack the windows. We 24 cannot just leave it be because that would not comply 25 with section 6 of the B(C)R and therefore we do need to</p>	<p>1 in window covering. Can we say now that it really does 2 not comply with section 16 of B(C)R? 3 MR TSE KAM MING: Yes. 4 MR VICTOR DAWES: In your first letter you said if ICU 5 inspects scaffolding net and finds that there are foam 6 boards covering the windows, the ICU should give first 7 a verbal warning and then issue an advisory letter. 8 MR TSE KAM MING: Yes. 9 MR VICTOR DAWES: Page 1686, according to your 10 understanding, ICU should collect more information and 11 request an explanation and see if the foam boards are 12 only confined to a few units or a particular floor. 13 However, if the foam boards at substantial window areas 14 are discovered and there is no satisfactory explanation, 15 then the ICU officer should give a verbal warning and 16 instruction on the spot to the concerned contractor or 17 consultant. 18 MR TSE KAM MING: Correct. 19 MR VICTOR DAWES: From what you said earlier, it could not 20 be accepted. 21 MR TSE KAM MING: Yes. 22 MR VICTOR DAWES: What are you referring to from this? 23 MR TSE KAM MING: Well, when we go on site to conduct an 24 inspection and find that there are breaches, we would 25 give an opportunity to the contractor or consultant to</p>
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<p>1 take precautionary measures, but it must be appropriate 2 precautionary measures. But as to what is defined as 3 "precautionary measures" then it would depend on 4 different circumstances. 5 When a certain floor is going through chiselling 6 work, and let's say you cover the windows with foam 7 boards and you remove the foam boards after chiselling 8 is completed, for such a short period of time I believe 9 that it is not in contravention of any regulation or in 10 contravention of section 16 of B(C)R. 11 We need some sort of flexibility in our work. We 12 cannot just say that it is fully prohibited. Of course, 13 I am not a works professional. I do not know what 14 materials can be used as a temporary cover and which can 15 comply with fire-retardant requirements and that it 16 could also be transparent. I cannot come up with 17 a material at the moment. 18 I really do not remember whether he has asked me or 19 in what kind of format he asked me. I can only say that 20 I didn't have any detailed information. I have not seen 21 any photos, I do not know which estate he was referring 22 to. According to his description, if foam boards are 23 used to cover windows, what is the regulation, is it in 24 contravention of any regulations. 25 MR VICTOR DAWES: We now know that it is a large-scale work</p>	<p>1 explain. There may be special reasons behind that, but 2 we do give them a chance to explain. It's not 3 restricted only to foam boards. When we find other 4 contraventions, we would first of all give them a chance 5 to explain and try to understand the circumstances. If 6 it is found unreasonable or unjustified and that there 7 are hazards, what I would do is if I find that there is 8 substantial covering, then I would issue a verbal 9 warning and then ask them to remove them. And I would 10 of course follow up after I returned to the office, such 11 as issuing a letter to the contractor or consultant, 12 officially requesting them to give an explanation and to 13 give them a deadline. 14 When we find that there are fire hazards from 15 inspections, we must of course follow up. We issue 16 a letter and then we follow up to ensure that there is 17 no further fire hazard before we can be rest assured. 18 MR VICTOR DAWES: Looking at the bottom of this letter, you 19 mentioned a Code of Practice for Fire Safety in 20 Buildings, clause F5.6(f), and you also refer to it in 21 your response. I'd like you to explain what you mean by 22 this response. 23 MR TSE KAM MING: Question 7 to me quoted from the Code of 24 Practice for Fire Safety in Buildings clause F5.6. My 25 understanding is that hazardous materials should be</p>

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<p>1 stored under safe custody. My understanding of the 2 question is that when the windows are covered with foam 3 boards, would they be regarded as stored under safe 4 custody? As the foam boards are not put in other places 5 and yet it is already attached to the windows, I believe 6 that this should not be regarded as needing to be stored 7 under safe custody. 8 MR VICTOR DAWES: So you are being fair to interpret the 9 clause. It seems that even if it's not contravening 10 this clause, it may be contravening another regulation, 11 so which one would that be contravening? 12 MR TSE KAM MING: That would be B(C)R section 16. When you 13 undergo works you must take all precautionary measures. 14 MR VICTOR DAWES: Thank you. 15 THE HON MR JUSTICE DAVID LOK: Questions from other parties? 16 Mr Suen, do you have any questions? 17 MR JENKIN SUEN: Thank you, chairman. I do not have other 18 questions. 19 THE HON MR JUSTICE DAVID LOK: Thank you, Mr Tse, for coming 20 in. Your evidence and very important to our 21 understanding. Thank you. 22 (The witness was released) 23 (2.50 pm) 24 MR VICTOR DAWES: Chairman, our next witness is Ms Or 25 Wai Yin.</p>	<p>1 Shatin around 140 OCs, but then in Tai Po only four. 2 MR VICTOR DAWES: Does your work include handling complaints 3 related to building management? 4 MS OR WAI YIN: Yes. 5 MR VICTOR DAWES: If the complaint does not relate to 6 building regulations or something you're not familiar 7 with, do you refer it to other departments? 8 MS OR WAI YIN: If complaints are related to building 9 management, the HAD will communicate with IOs and when 10 we receive such complaints we will see whether we will 11 be able to contact the complainant to try to understand 12 the situation and see how we can follow up on the 13 complaint and, if necessary, we would refer it to other 14 departments. 15 MR VICTOR DAWES: We see in our investigation that there are 16 some minutes from general meetings of IOs and sometimes 17 they would invite district or liaison officers to 18 attend. Is that common practice? 19 MS OR WAI YIN: Yes. 20 MR VICTOR DAWES: Can you share with us what you would do 21 when you attend the meetings? 22 MS OR WAI YIN: The HAD basically acts as a facilitator. We 23 would be in contact with different incorporated owners 24 and try to understand their needs and under the building 25 regulation to give advice to the IOs.</p>
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<p>1 Good afternoon, Ms Or. Please stand up and read out 2 the declaration in front of you. 3 (2.50 pm) 4 MS OR WAI YIN (affirmed) 5 Examination by MR VICTOR DAWES 6 MR VICTOR DAWES: Thank you. Please be seated. 7 Ms Or, you have submitted one witness statement to 8 the Committee which is at WS1, page 528. I'm sure you 9 have read it and confirm the contents. 10 MS OR WAI YIN: Yes. 11 MR VICTOR DAWES: In around 2019 you joined the Home Affairs 12 Department and you worked as the liaison officer? 13 MS OR WAI YIN: I was seconded to the Tai Po District Office 14 in January 2024. 15 MR VICTOR DAWES: So where did you work in 2019? 16 MS OR WAI YIN: In Shatin, and then 2022 I went to Kwai 17 Tsing and then in 2024 I went to Tai Po District Office. 18 MR VICTOR DAWES: According to the first paragraph of your 19 witness statement, your main responsibilities include 20 handling matters related to building management and 21 incorporated owners in Tai Po district including 22 attending general meetings. 23 Did you take up similar roles in the other 24 districts? 25 MS OR WAI YIN: In Kwai Tsing there are about 80 IOs and in</p>	<p>1 MR VICTOR DAWES: In 2024 you started working at the Tai Po 2 District Office and Wang Fuk Court has invited you to 3 attend meetings; right? So are you responsible for the 4 complaints from these four IOs? 5 MS OR WAI YIN: Yes. 6 MR VICTOR DAWES: In G1/1005 you can see minutes of 7 meetings. So did you prepare that? 8 MS OR WAI YIN: Yes. 9 MR VICTOR DAWES: So I see that this is a template and you 10 fill in the relevant information? 11 MS OR WAI YIN: Yes. 12 MR VICTOR DAWES: I see that you are the staff in charge. 13 There is a date, 28 January 2024, Wang Fuk Court, and we 14 see this is a meeting of the IO. And moving down, 15 details of the meeting. Were you made aware of the 16 agenda of the meeting before you attended the meeting? 17 MS OR WAI YIN: Before the meeting I just started my work in 18 Tai Po district and wasn't too familiar with Wang Fuk 19 Court. When I received the invitation, I gathered 20 information and tried to understand the background of 21 Wang Fuk Court. I knew that Wang Fuk Court was 22 undergoing major works and would select the contractor 23 at that meeting. I know that they have joined the Smart 24 Tender scheme under the URA and that there is actually 25 a property management company to assist them in the</p>

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<p>1 selection of consultant.</p> <p>2 MR VICTOR DAWES: We see that attendees to the meeting were</p> <p>3 293. Was this figure given to you? Did you verify the</p> <p>4 number?</p> <p>5 MS OR WAI YIN: When the meeting started, I heard the MC say</p> <p>6 that there were 293 attendees and so I wrote this number</p> <p>7 down.</p> <p>8 MR VICTOR DAWES: This was the number given by the MC at the</p> <p>9 beginning of the meeting?</p> <p>10 MS OR WAI YIN: Correct. 293.</p> <p>11 MR VICTOR DAWES: According to your understanding, was that</p> <p>12 the number of attendees or did that include proxies as</p> <p>13 well?</p> <p>14 MS OR WAI YIN: I think this included all the attendees and</p> <p>15 the proxies.</p> <p>16 MR VICTOR DAWES: So there could be 293 votes altogether?</p> <p>17 MS OR WAI YIN: I didn't specifically ask this question</p> <p>18 because the meeting was already underway. My</p> <p>19 understanding was that 20 per cent of the residents</p> <p>20 needed to attend to meet a quorum, and as there were</p> <p>21 293 attendees, the meeting could go ahead.</p> <p>22 MR VICTOR DAWES: We have heard some allegations and I want</p> <p>23 to see whether you're aware of that. Some residents</p> <p>24 said that there was suddenly a large number of proxies.</p> <p>25 The figure at the beginning of the meeting was given at</p>	<p>1 Shortly afterwards, the number increased by about 200</p> <p>2 votes. Did they explain to you why? Is it because of</p> <p>3 a large influx of people last-minute, did you know?</p> <p>4 MS OR WAI YIN: They said that they continued to register</p> <p>5 attendants. I said, well, do you recall when it was</p> <p>6 when the number was 293, and they said it's around 1.50.</p> <p>7 The record was 293.</p> <p>8 MR VICTOR DAWES: The explanation vis-a-vis your</p> <p>9 observation, you have -- you have made a record of the</p> <p>10 list of attendants. Let's go to G3/2728. This is</p> <p>11 a record made by you, a photo taken by you. There are</p> <p>12 about 280 proxy votes; right?</p> <p>13 MS OR WAI YIN: Yes.</p> <p>14 MR VICTOR DAWES: With 280 proxies, did you ask, "Well, it</p> <p>15 started with 293 votes, and 280 proxies, was that</p> <p>16 reasonable from what you have observed?"</p> <p>17 MS OR WAI YIN: Yes, because when I attended the meeting,</p> <p>18 I noticed that there were about 200-300 people.</p> <p>19 MR VICTOR DAWES: So he what you meant was after hearing the</p> <p>20 explanation, you found the explanation acceptable?</p> <p>21 MS OR WAI YIN: Right.</p> <p>22 MR VICTOR DAWES: So these, I think, are all registered</p> <p>23 proxies?</p> <p>24 MS OR WAI YIN: Right.</p> <p>25 MR VICTOR DAWES: From what you said, on that day there was</p>
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<p>1 293, but then, after votes were cast, there were a total</p> <p>2 of 570 votes. Within a short period of time, there was</p> <p>3 a sudden influx of votes. Are you aware of that?</p> <p>4 MS OR WAI YIN: I have heard about it and have received</p> <p>5 complaints on that. We looked back at our records and</p> <p>6 found that there were about 590 attendees in total,</p> <p>7 which differed from our records, so I did call the</p> <p>8 management office to try to understand.</p> <p>9 MR VICTOR DAWES: Yes, we want to know why there is sudden</p> <p>10 increase of 200-plus people.</p> <p>11 MS OR WAI YIN: I called the management office and tried to</p> <p>12 understand it from the manager.</p> <p>13 I would like to add that, before the meeting began,</p> <p>14 I looked around to see whether they have posted up the</p> <p>15 notice. I did see that they have put up the notices and</p> <p>16 there are about 300 units. I heard the number 293 after</p> <p>17 the meeting but then I received complaints about the</p> <p>18 500-odd votes received. I called the management office</p> <p>19 to try to understand the situation and the manager told</p> <p>20 me that there was a misunderstanding because they wanted</p> <p>21 to reach the 10 per cent quorum.</p> <p>22 They said around 1.50 pm the quorum was met and so</p> <p>23 they recorded this number and used that as the MC</p> <p>24 statement.</p> <p>25 MR VICTOR DAWES: It was 293 at about 1.50-something.</p>	<p>1 no separate record of proxies?</p> <p>2 MS OR WAI YIN: There was no such announcement in the</p> <p>3 meeting because there was no such requirement under the</p> <p>4 law at that time.</p> <p>5 MR VICTOR DAWES: Can I ask you, were you involved in the</p> <p>6 collection of proxies?</p> <p>7 MS OR WAI YIN: No. But I was aware that in each block</p> <p>8 there was a collection box. Under the Building</p> <p>9 Management Ordinance, they would have to set up the</p> <p>10 collection box 48 hours in advance. I talked to the</p> <p>11 management office and after they had decided the</p> <p>12 validity of the proxies, they had to issue a receipt and</p> <p>13 post a list in the meeting.</p> <p>14 MR VICTOR DAWES: Let's go to G1-1/1006. It's your record.</p> <p>15 It mentioned that district councillors were invited to</p> <p>16 attend to witness the counting of votes and there were</p> <p>17 no comments raised in the meeting. From your</p> <p>18 experience, is it common?</p> <p>19 MS OR WAI YIN: You mean presence by district councillors?</p> <p>20 Yes, it's quite common.</p> <p>21 MR VICTOR DAWES: Was there any mention why they were there?</p> <p>22 MS OR WAI YIN: When it comes to building management, it is</p> <p>23 an issue related to people's lives. So in Kwai Tsing or</p> <p>24 Tai Po districts, I saw that sometimes when residents</p> <p>25 were not sure about certain things, they would ask the</p>

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1 advice from district councillors or ask district
 2 councillors to attend residents' meetings.
 3 MR VICTOR DAWES: There are allegations saying that district
 4 councillors led a team to attend the meeting, according
 5 to some residents, that the team was there to tackle
 6 residents or exert pressure on them.
 7 In the meeting did you notice anything that required
 8 following up?
 9 MS OR WAI YIN: I attended six meetings of Wang Fuk Court.
 10 I have never noticed any such situation.
 11 MR VICTOR DAWES: In other districts, have you seen anything
 12 irregular or anything that warrants concern but not
 13 directly related to the meeting?
 14 MS OR WAI YIN: Yes. There was one time when I attended an
 15 OC meeting, when I was there, I found that when owners
 16 registered entrance, there was no voting in the agenda.
 17 I said if there was no ballot paper, then how would you
 18 decide things? They said that the shares will be one,
 19 so they have used a simple method, that is by a show of
 20 hands.
 21 When I attended the meeting I would pay attention to
 22 areas that needs extra attention. If so, I would ask
 23 questions.
 24 MR VICTOR DAWES: There are also residents saying that there
 25 were conflicts. In relation to Wang Fuk Court, can you

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1 tell from your record or recollection as to whether
 2 there were any conflicts or anything that was not
 3 pleasant?
 4 MS OR WAI YIN: From the meetings, the one with the biggest
 5 conflict is the meeting on 6 September 2024 because at
 6 that time the meeting was called by no less than
 7 5 per cent of owners. Before and during the meeting
 8 there were a lot of contentious issues being raised and
 9 they wanted our advice.
 10 MR VICTOR DAWES: During that meeting, other than difference
 11 in opinions or questions, can you give us more
 12 information about the arguments?
 13 MS OR WAI YIN: The meeting on 6 September, the biggest
 14 argument was about 9.35 pm. At that time, Mr Tang Kwok
 15 Kuen, the then chairman who chaired the meeting, said
 16 that because of the duration of the rental of the venue,
 17 the remaining items of the agenda could not be completed
 18 so there should be an adjournment. Owners present were
 19 quite agitated, asking for the continuation of the
 20 meeting. The district office staff members saw owners
 21 wanted to go on with the meeting and two items on the
 22 agenda had been covered so we asked the school to extend
 23 the time so that the meeting could continue.
 24 MR VICTOR DAWES: So your recollection was that, with your
 25 intervention, the matter was resolved?

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1 MS OR WAI YIN: We suggested to owners present to invoke
 2 relevant regulations that, with the absence of the
 3 chairperson, someone could be elected to chair the
 4 meeting from the owners present. In the end, the
 5 remaining items on the agenda were dealt with.
 6 MR VICTOR DAWES: The other contention was proxies. You've
 7 received complaints in this regard.
 8 MS OR WAI YIN: Right.
 9 MR VICTOR DAWES: Let's leave aside complaints before and
 10 after meetings. What about during the meeting? In
 11 relation to proxies, can you give us information about
 12 arguments that you can recall?
 13 MS OR WAI YIN: You mean the process of the meeting?
 14 I don't recollect any particular arguments in relation
 15 to proxies.
 16 MR VICTOR DAWES: There are residents of Wang Fuk Court who
 17 said that they found that there are proxies when they
 18 haven't given any in the first place and certain people
 19 made things difficult for them. Have you handled these
 20 complaints?
 21 MS OR WAI YIN: These complaints have not reached me, so I'm
 22 not aware of them. In relation to building management,
 23 we receive a lot of complaints and queries as to the
 24 authenticity of proxies. We listen to residents to see
 25 if they could give us specific information for us to

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1 refer the cases.
 2 MR VICTOR DAWES: About proxies, will you be involved?
 3 MS OR WAI YIN: The validity of proxies under relevant rules
 4 and regulations will be decided. So, for example,
 5 whether it's a genuine signature, whether it's been
 6 received 48 hours before the meeting. So it's for the
 7 OC or the person chairing the meeting to decide the
 8 validity. We don't have sufficient information to
 9 intervene.
 10 MR VICTOR DAWES: That means you would not deal with,
 11 you would leave it to the OC or the management
 12 committee?
 13 MS OR WAI YIN: It's their decision to decide on the
 14 validity.
 15 MR VICTOR DAWES: This may be a good time to take a break.
 16 THE HON MR JUSTICE DAVID LOK: Let's take a break of
 17 10 minutes.
 18 (3.10 pm)
 19 (A short adjournment)
 20 (3.20 pm)
 21 MR VICTOR DAWES: Ms Or, we're looking at G1-1/1006. As you
 22 said, some flat owners were not happy. As you noted,
 23 some owners were not happy about the absence of a Q&A
 24 session and then the meeting went ahead. Then there
 25 were written complaints about the meeting. Would you

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<p>1 follow up on such matters?</p> <p>2 MS OR WAI YIN: Before that meeting, I talked to the</p> <p>3 property management company. I also talked to the</p> <p>4 chairman of the owners' corporation on that day. I</p> <p>5 checked the file. There were meetings on the works</p> <p>6 previously. Those meetings were for the residents to</p> <p>7 talk to the project contractors about the works.</p> <p>8 I talked to the chairman and the property management</p> <p>9 company. There were many items on the agenda for that</p> <p>10 meeting. Setting a Q&A session may affect the progress</p> <p>11 at the meeting and they may not be able to get through</p> <p>12 all the items on the agenda, hence they made that</p> <p>13 decision. So after we found out the reason, we</p> <p>14 respected the OC's decision.</p> <p>15 MR VICTOR DAWES: So what would you do if you felt residents</p> <p>16 should get a chance to ask questions?</p> <p>17 MS OR WAI YIN: I put it in the minutes. The absence of</p> <p>18 a Q&A session was a concern to residents. When we</p> <p>19 assisted flat owners with such meetings, we had to</p> <p>20 strike a balance. Some flat owners said they were not</p> <p>21 happy, so we talked to the owners' corporation.</p> <p>22 At the same time, the OC also had to think through</p> <p>23 many factors. Before that meeting, there were two</p> <p>24 advisory sessions or briefing sessions on the works, so</p> <p>25 there was already a channel for the residents to talk to</p>	<p>1 a board there was information about the 57 potential</p> <p>2 contractors. There were some brief details. So there</p> <p>3 were details about the contractors, and then after the</p> <p>4 meeting we got the complaint.</p> <p>5 MR VICTOR DAWES: So on the day of the meeting you were not</p> <p>6 aware of the breaches and suspension records, you were</p> <p>7 not aware of those on that day?</p> <p>8 MS OR WAI YIN: We were not aware of those.</p> <p>9 MR VICTOR DAWES: Another question on a different issue.</p> <p>10 Shortly after the meeting, there were complaints from</p> <p>11 residents that the chairman refused to hold an owners'</p> <p>12 meeting at the request of residents.</p> <p>13 MS OR WAI YIN: I recall that.</p> <p>14 MR VICTOR DAWES: Then there was an email sent to you saying</p> <p>15 that the 5 per cent threshold was met but the chairman</p> <p>16 of the committee refused to hold a meeting. Do you</p> <p>17 recall that?</p> <p>18 MS OR WAI YIN: Yes.</p> <p>19 MR VICTOR DAWES: Records show 14 such complaints. Did you</p> <p>20 handle all those complaints?</p> <p>21 MS OR WAI YIN: Yes.</p> <p>22 MR VICTOR DAWES: And then you wrote four letters to the</p> <p>23 chairman, reminding him to hold the meeting in</p> <p>24 accordance with the Building Management Ordinance. So</p> <p>25 you handled all that?</p>
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<p>1 the OC, the consultant and the contractor. That's why</p> <p>2 we did not follow up on this matter in particular</p> <p>3 because there were different factors to take into</p> <p>4 account.</p> <p>5 MR VICTOR DAWES: If you felt something was off and you felt</p> <p>6 you had to follow up, do you talk to the OC?</p> <p>7 MS OR WAI YIN: Under the Building Management Ordinance, the</p> <p>8 OC and the management committee are empowered to decide</p> <p>9 on the procedure of meetings. So often, when we</p> <p>10 received complaints or when we saw room for improvement,</p> <p>11 we would give advice to the organiser of the meeting,</p> <p>12 meaning the OC. The OC could consider their</p> <p>13 circumstances to decide whether to accept or reject our</p> <p>14 advice. We respect their decisions.</p> <p>15 MR VICTOR DAWES: We know that afterwards, meaning after</p> <p>16 that meeting, there were complaints about Prestige</p> <p>17 Construction & Engineering. On 26 February there was</p> <p>18 a complaint about the records. The allegation was that</p> <p>19 Prestige had got their licence suspended and those</p> <p>20 complaints went to you. Before the meeting, did you</p> <p>21 have the information or did you learn about that only</p> <p>22 after the meeting? Was it about Prestige?</p> <p>23 MS OR WAI YIN: It's about Prestige. Before the meeting, we</p> <p>24 understood that the company was selected after going</p> <p>25 through Smart Tender. I did not know the specifics. On</p>	<p>1 MS OR WAI YIN: Yes.</p> <p>2 MR VICTOR DAWES: So you advised him to hold a meeting?</p> <p>3 MS OR WAI YIN: Under the Ordinance, it's the personal</p> <p>4 responsibility of the chairman to hold a meeting when</p> <p>5 there's at least 5 per cent of the owners requiring such</p> <p>6 a meeting be held. The chairman has to verify the</p> <p>7 5 per cent threshold and they have to set up the</p> <p>8 meeting. The role of the Home Affairs Department is</p> <p>9 that once we become aware of this request from at least</p> <p>10 5 per cent of the owners and then we get in touch with</p> <p>11 the owners' corporation and the chairman, we urge the</p> <p>12 chairman to follow what's required under the law.</p> <p>13 MR VICTOR DAWES: So you advised the owner, you wrote to the</p> <p>14 chairman four times, and only then did you get</p> <p>15 a response.</p> <p>16 MS OR WAI YIN: Apart from advising him there was nothing</p> <p>17 else you could do, we verbally advised the owner, we</p> <p>18 also wrote to the owner. And then on multiple occasions</p> <p>19 we also got in touch with the chairman of the OC to</p> <p>20 follow the BMO.</p> <p>21 MR VICTOR DAWES: What did the chairman say about not</p> <p>22 holding the meeting?</p> <p>23 MS OR WAI YIN: So it was in early February the flat owners</p> <p>24 sent a registered mail to the management office and then</p> <p>25 the chairman said he was not at the property management</p>

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<p>1 office, so I called the chairman and told him about this</p> <p>2 and asked him to follow up. It was close to the Lunar</p> <p>3 New Year at that point so there were some reasons I also</p> <p>4 put the details in my report.</p> <p>5 MR VICTOR DAWES: On 23 February, 5 March, 25 March and</p> <p>6 9 April, you sent four letters, roughly the same, to the</p> <p>7 chairman. Let's look at G1-1/1312.</p> <p>8 Basically you reminded him of the statutory</p> <p>9 requirement and urged him to take action. So can I put</p> <p>10 it this way, if the chairman refused to hold a meeting,</p> <p>11 there was nothing you could do?</p> <p>12 MS OR WAI YIN: Yes, you could put it like that.</p> <p>13 MR VICTOR DAWES: In July there was another request from at</p> <p>14 least 5 per cent of the owners because there was</p> <p>15 a dispute about payment, and records show you received</p> <p>16 seven complaints. At that point you followed up, you</p> <p>17 also issued another four letters to Mr Tang, the</p> <p>18 chairman. Page 1319. Again you urged him to act. So</p> <p>19 this letter looks more detailed. The tone is sterner.</p> <p>20 MS OR WAI YIN: Yes.</p> <p>21 MR VICTOR DAWES: So why this escalation in your reminder</p> <p>22 with this sterner tone?</p> <p>23 MS OR WAI YIN: We took the same approach on both occasions,</p> <p>24 so we received the request from flat owners and then we</p> <p>25 issued the advisory letters and we tried calling the</p>	<p>1 not be able to accommodate so many owners. So this</p> <p>2 factor was also taken into account by the owners'</p> <p>3 corporation, so they struggled to find a venue and they</p> <p>4 told us about that.</p> <p>5 We were told about this difficulty. We wanted to</p> <p>6 facilitate the process. So we got in touch with the</p> <p>7 school and we managed to secure the venue for the</p> <p>8 owners' meeting.</p> <p>9 MR VICTOR DAWES: On 6 September there was an extraordinary</p> <p>10 general meeting. More than 1,000, in fact 1,243 owners</p> <p>11 attended.</p> <p>12 MS OR WAI YIN: Yes.</p> <p>13 MR VICTOR DAWES: So was that the total of those attending</p> <p>14 in person and the proxy votes?</p> <p>15 MS OR WAI YIN: Yes.</p> <p>16 MR VICTOR DAWES: So that's way more than the previous</p> <p>17 meetings.</p> <p>18 MS OR WAI YIN: Yes.</p> <p>19 MR VICTOR DAWES: Let's look at page 1044.</p> <p>20 Before the meeting you announced the number of</p> <p>21 attendees.</p> <p>22 MS OR WAI YIN: Correct. At the start of the meeting they</p> <p>23 would announce the number of attendees, reaching the</p> <p>24 statutory requirement.</p> <p>25 MR VICTOR DAWES: In paragraph 3, according to the</p>
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<p>1 chairman time and again to urge him to follow the</p> <p>2 ordinance by holding the owners' meeting.</p> <p>3 MR VICTOR DAWES: As you said, someone filed a claim with</p> <p>4 the Lands Tribunal.</p> <p>5 MS OR WAI YIN: On both occasions this happened.</p> <p>6 MR VICTOR DAWES: This refusal to hold a meeting was not</p> <p>7 ideal, that's why you issued the letters?</p> <p>8 MS OR WAI YIN: Indeed.</p> <p>9 MR VICTOR DAWES: So would you get district councillors</p> <p>10 involved in such cases? Originally, district</p> <p>11 councillors were not involved. Did you get the district</p> <p>12 councillors involved when such things happened? Did you</p> <p>13 talk to the Tai Po district councillors about this case?</p> <p>14 MS OR WAI YIN: From my position, no.</p> <p>15 MR VICTOR DAWES: So you wrote to Mr Tang, you contacted him</p> <p>16 verbally. Were there other channels for you to get in</p> <p>17 touch with him?</p> <p>18 MS OR WAI YIN: When we talked to Mr Tang, he mentioned the</p> <p>19 difficulty preventing him from holding a meeting. The</p> <p>20 chairman back then cited venue as one problem. For</p> <p>21 Wang Fuk Court, the meetings were held at the community</p> <p>22 hall or the basketball court or at the primary school</p> <p>23 nearby. So those were the venues for owners' meetings.</p> <p>24 At that time, many flat owners wanted to attend the</p> <p>25 meeting in person so we realised that those venues may</p>	<p>1 management company, an extra 40 workers were hired and</p> <p>2 then those people included security guards. The OC also</p> <p>3 invited many pro-establishment councillors to take part.</p> <p>4 Who hired those security guards?</p> <p>5 MS OR WAI YIN: Those guards came from the security services</p> <p>6 company and the care team members, I'm not sure which</p> <p>7 councillor got them there.</p> <p>8 MR VICTOR DAWES: Was there anyone hired by you, meaning the</p> <p>9 office?</p> <p>10 MS OR WAI YIN: No.</p> <p>11 MR VICTOR DAWES: Did these district councillors have a role</p> <p>12 during the meeting?</p> <p>13 MS OR WAI YIN: Any role?</p> <p>14 MR VICTOR DAWES: What role did they play during the</p> <p>15 meeting?</p> <p>16 MS OR WAI YIN: The OC invited those district councillors to</p> <p>17 sit in on the meeting.</p> <p>18 MR VICTOR DAWES: So just sitting in. Did they play any</p> <p>19 other role?</p> <p>20 MS OR WAI YIN: As far as I can recall, the then chairman</p> <p>21 announced an adjournment of the meeting. At that point,</p> <p>22 the district councillors advised him to leave the venue.</p> <p>23 MR VICTOR DAWES: We looked at the subsequent records.</p> <p>24 Let's look at page 841. Here are some emails involving</p> <p>25 you. So that's a complaint from Mr Tsui Moon Come.</p>

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<p>1 We go further down. It's a complaint involving</p> <p>2 district councillors filed by Mr Tsui Moon Come. You</p> <p>3 handled that complaint?</p> <p>4 MS OR WAI YIN: Correct.</p> <p>5 MR VICTOR DAWES: My question for you is that the email is</p> <p>6 dated 3 September, and then on 4 September you replied.</p> <p>7 Before the meeting, were there actions taken to address</p> <p>8 the complaint?</p> <p>9 MS OR WAI YIN: Under the Building Management Ordinance, for</p> <p>10 any breach of the Ordinance regarding the proxy</p> <p>11 instrument, we would talk to the owners' corporation.</p> <p>12 But I didn't see any breach of the BMO, meaning offences</p> <p>13 about getting the flat owner's signature and also</p> <p>14 serving the instruments 48 hours in advance.</p> <p>15 MR VICTOR DAWES: So you read the complaint and you felt</p> <p>16 there was no breach of the requirements under the BMO so</p> <p>17 you did not take any further follow-up action?</p> <p>18 MS OR WAI YIN: No further action for my post.</p> <p>19 MR VICTOR DAWES: What about for other people?</p> <p>20 MS OR WAI YIN: I have no idea.</p> <p>21 MR VICTOR DAWES: Let's look at page 840, that's your reply.</p> <p>22 Some concerns were raised afterwards, just like what you</p> <p>23 said. Your role was to see if there was a breach of the</p> <p>24 BMO. If there was a breach, what would you do? Did you</p> <p>25 have a role or was it simply something between the OC</p>	<p>1 proxy rights of others, this involved improper tactics</p> <p>2 to secure others' proxy rights. So someone claims that</p> <p>3 they have been deceived, but if that person does not</p> <p>4 come to you in person, then there's nothing you can do?</p> <p>5 MS OR WAI YIN: We got enquiries about hearsay. So they</p> <p>6 heard that some other resident had such an experience,</p> <p>7 but without any details about that particular resident,</p> <p>8 we cannot just call that person, then it was hard for us</p> <p>9 to further follow up.</p> <p>10 MR VICTOR DAWES: Looking at the email on page 842, we see</p> <p>11 there are recordings attached to the email. Here it's</p> <p>12 said these are recordings in securing votes. So did you</p> <p>13 listen to these audio clips?</p> <p>14 MS OR WAI YIN: I was not able to open these files so</p> <p>15 I couldn't hear.</p> <p>16 MR VICTOR DAWES: Did you ask the complainant for follow-up?</p> <p>17 Did you tell them that you were not able to open the</p> <p>18 files?</p> <p>19 MS OR WAI YIN: No, I didn't.</p> <p>20 MR VICTOR DAWES: There were some disputes at the meeting.</p> <p>21 On page 1044 there was a detailed record.</p> <p>22 Go down a bit further. The MC invited two guests</p> <p>23 and two owners to monitor the votes. The lawyer for the</p> <p>24 OC asked whether the representative is an owner. Did</p> <p>25 you see this paragraph? And so the owner requested that</p>
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<p>1 and the owners?</p> <p>2 MS OR WAI YIN: In that case we would talk to the OC.</p> <p>3 MR VICTOR DAWES: So you would basically advise them to take</p> <p>4 action?</p> <p>5 MS OR WAI YIN: Correct.</p> <p>6 MR VICTOR DAWES: On whether there was any breach of the</p> <p>7 BMO, how did you decide that there was no breach after</p> <p>8 you came across a complaint?</p> <p>9 MS OR WAI YIN: The complaint had to do with access to proxy</p> <p>10 instruments. This involved a document. When an owner</p> <p>11 could not attend in person, the owner could get someone</p> <p>12 else they trusted to attend as proxy and exercise their</p> <p>13 power.</p> <p>14 MR VICTOR DAWES: So can I put it this way. There was an</p> <p>15 allegation that a certain district councillor cajoled</p> <p>16 residents into giving them the proxy rights or there</p> <p>17 were allegations about the use of improper means to</p> <p>18 secure proxy votes. Do these matters fall within your</p> <p>19 scope of investigation?</p> <p>20 MS OR WAI YIN: If I had specific information, then we could</p> <p>21 take further follow-up action. In this case, I did not</p> <p>22 get a request for assistance from the owner. Without</p> <p>23 the specifics, it was hard for me to follow up further.</p> <p>24 MR VICTOR DAWES: There was an allegation that a district</p> <p>25 councillor, setting up a street booth, securing the</p>	<p>1 the accountant, lawyers from both sides and guests and</p> <p>2 six owners to monitor the votes.</p> <p>3 I'd just like to ask about the monitoring of votes.</p> <p>4 Do you know who the two guests were?</p> <p>5 MS OR WAI YIN: I do not know.</p> <p>6 MR VICTOR DAWES: Would the HAD give any advice or views on</p> <p>7 these disputes?</p> <p>8 MS OR WAI YIN: It depends on the circumstance.</p> <p>9 MR VICTOR DAWES: How about that time?</p> <p>10 MS OR WAI YIN: I remember they were able to reach</p> <p>11 a consensus so we didn't extend any assistance.</p> <p>12 MR VICTOR DAWES: We know that 50 per cent voted in favour</p> <p>13 to dissolve the OC with 5 per cent of the owners'</p> <p>14 request to hold the meeting. We see from your records</p> <p>15 that after the first meeting, the lawyer explained the</p> <p>16 consequences of dissolution of the OC, and the owners</p> <p>17 were a bit happy about it. Can you tell us more?</p> <p>18 MS OR WAI YIN: Owners who were present wanted to carry on</p> <p>19 to the other agenda items, but the OC lawyer gave some</p> <p>20 explanation and the owners wanted him to hurry up so</p> <p>21 they could move on to the next agenda items.</p> <p>22 MR VICTOR DAWES: And then the manager, Mr Lai, said that</p> <p>23 having a change in OC might affect the progress of the</p> <p>24 URA scheme and the bank account might be frozen and that</p> <p>25 might delay the works. How were the attendees then?</p>

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<p>1 MS OR WAI YIN: They were unsatisfied. 2 MR VICTOR DAWES: Then moving down, after agenda items 1 and 3 2, at around 9.35 in the evening, the OC announced that 4 because they rented the venue until only 10 pm, 5 therefore they would postpone the rest of the items. 6 The owners were quite agitated and wanted to continue 7 the meeting. Under your coordination, the rental time 8 was extended, but then the chairman left. 9 MS OR WAI YIN: Yes, Mr Tang Kwok Kuen left the venue. 10 MR VICTOR DAWES: And you suggested the owners to use the 11 BMO annex 3(1)(c) to attend the meeting. 12 MS OR WAI YIN: Yes, so they choose someone from the OC to 13 hold the meeting. 14 MR VICTOR DAWES: So the district councillors left with 15 Mr Tang. Did all the district councillors leave? 16 MS OR WAI YIN: I don't remember. 17 MR VICTOR DAWES: And you stayed behind to observe the 18 meeting? 19 MS OR WAI YIN: Yes. 20 MR VICTOR DAWES: Thank you, Ms Or. I do not have any other 21 questions. 22 MS OR WAI YIN: Thank you, chairman. 23 THE HON MR JUSTICE DAVID LOK: Questions from involved 24 parties? 25 Mr Suen.</p>	<p>1 resources, then it would be different. But for Wang Fuk 2 Court, they do have a property management office. They 3 also have the assistance of the URA to use the Smart 4 Tender, and so your resources would mainly focus on the 5 procedures under BMO. Can you explain to us, let's say 6 when you observe or sit in a meeting, as Mr Dawes asked, 7 what will be your main role? Would you arrive earlier 8 or well in advance of the meeting or what do you do 9 there? 10 MS OR WAI YIN: Usually when I attend these meetings, as I 11 explained earlier, I would first take a look at the 12 background of the OC to see what kind of assistance they 13 would need. Usually I arrive 15 minutes in advance to 14 take a look to see whether they are complying with what 15 needs to be done, such as posting up the notices, as 16 happened on 28 January, because I see that they listed 17 out the 57 potential contractors. I would also take a 18 look at registration to see whether everything is 19 smooth. I would check whether there is any suspicious 20 behaviour as well. 21 MR JENKIN SUEN: I have a couple more questions to follow up 22 with you. The 6 September 2024 meeting, you said around 23 9 pm Mr Tang said the meeting needs to be postponed. 24 I would like to look at G1-1/1043. This is the report 25 you prepared on the 6 September meeting.</p>
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<p>1 MR JENKIN SUEN: Chairman, I do have some questions. 2 Examination by MR JENKIN SUEN 3 MR JENKIN SUEN: Ms Or, good afternoon. I'd like to follow 4 up on a few points. First of all, Mr Dawes asked you 5 the role of the HAD and you explained it to us. You 6 said you worked in Shatin before and you were 7 responsible for more OCs. When there are meetings, can 8 you tell us more about the role played by the HAD? When 9 would HAD give their views or assistance? 10 MS OR WAI YIN: The BMO is applicable to many OCs across 11 their territory and I have assisted some individual 12 buildings. They may not have management office and 13 they would only have their OCs to help with building 14 issues. The HAD will try to see what kind of assistance 15 they need and provide them with the relevant assistance. 16 For Wang Fuk Court, after assessment, we believe 17 that the OC has been running continuously and there is 18 actually a property management office to assist them. 19 They also requested assistance from the URA for the 20 major works. 21 Therefore, for Wang Fuk Court, we would only focus 22 on the meetings and the views given to them on the 23 building works. 24 MR JENKIN SUEN: So for individual or single buildings or 25 standalone buildings that do not have too many</p>	<p>1 Now moving on to page 1045. We see second-to-last 2 paragraph, under the assistance of the HAD or before 3 that, after passing agenda items 1 and 2, at 9.35, the 4 OC announced that because the rental time is only till 5 10 pm in the afternoon, the rest of the meeting would 6 need to be postponed and owners were quite agitated and 7 they requested the meeting to be continued. And under 8 the coordination of the HAD, the school agreed to extend 9 time to 11 pm. And the previous chairman left with many 10 pro-establishment district councillors and the owners 11 present -- with the agreement with the rest of the 12 owners, used BMO annex 3(1)(c) to continue with the 13 meeting. 14 Did you suggest they could continue the meeting like 15 this? 16 MS OR WAI YIN: Yes. When the HAD attends meetings like 17 this, based on the information collected, we would give 18 advice when needed. For the 6 September meeting, we 19 have received concerns by owners. The meeting was to 20 start at 7 pm. They were worried that the meeting was 21 too early. Many owners might not be able to make it 22 back in time and there might be many owners who wanted 23 to attend in person. We knew of these concerns. 24 Therefore, based on the assessment there, we would give 25 advice.</p>

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<p>1 Around 7 pm that day I checked the registration of</p> <p>2 owners and found that there were still quite a number of</p> <p>3 people waiting to be registered and the HAD then</p> <p>4 suggested that we should delay the starting time to</p> <p>5 allow more owners to join.</p> <p>6 Each meeting is different. We do need to assess the</p> <p>7 situation. For the 6 September meeting, there were</p> <p>8 quite a large number of owners and the hall could not</p> <p>9 accommodate all owners. The basketball court was</p> <p>10 another alternative. We knew that there might be</p> <p>11 a problem so we suggested that there could be a live</p> <p>12 broadcast. If not all the owners could be accommodated,</p> <p>13 then there could be a live broadcast outdoors in the</p> <p>14 outdoor playground. And there might be disputes for the</p> <p>15 votes, and so I went along with the ballot box to the</p> <p>16 outdoor playground and so, when needed, we would give</p> <p>17 advice and we were able to give assistance.</p> <p>18 MR JENKIN SUEN: Mr Dawes also asked about the 6 September</p> <p>19 meeting, that at least 5 per cent of the owners</p> <p>20 requested the meeting be held. In March there was such</p> <p>21 a case. Do you remember that you provided advice to</p> <p>22 Mr Tang? Did you remember whether there was a</p> <p>23 continuous request for meetings to be held?</p> <p>24 MS OR WAI YIN: The convener who asked for the 5 per cent</p> <p>25 quorum meeting withdrew the request.</p>	<p>1 look at annex 3 BMO, G1-1/152.</p> <p>2 So the owners could vote in person or vote by proxy.</p> <p>3 There is a request that there must be a certain format</p> <p>4 and (3), the proxy must be submitted at least 48 hours</p> <p>5 in advance.</p> <p>6 Now moving on to page 153, number (5), (b):</p> <p>7 "Where an instrument appointing a proxy is lodged</p> <p>8 with the ... management committee, the chairman ... or,</p> <p>9 if he is absent, the person who presides at the meeting,</p> <p>10 shall determine the validity of the instrument ..."</p> <p>11 So it is the chairman who determines the validity.</p> <p>12 Is it because it existed in annex 3?</p> <p>13 MS OR WAI YIN: Yes, it is in accordance with the BMO.</p> <p>14 MR JENKIN SUEN: Thank you, I have no further questions.</p> <p>15 THE HON MR JUSTICE DAVID LOK: No re-examination?</p> <p>16 MR VICTOR DAWES: No.</p> <p>17 THE HON MR JUSTICE DAVID LOK: Thank you, Ms Or. You have</p> <p>18 finished your evidence.</p> <p>19 (The witness was released)</p> <p>20 (3.59 pm)</p> <p>21 MR VICTOR DAWES: The last witness today is Ms Chan Hau Man.</p> <p>22 Ms Chan, please stand up and read the declaration in</p> <p>23 front of you.</p> <p>24 (4.00 pm)</p> <p>25</p>
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<p>1 MR JENKIN SUEN: So that was early in the year. Mr Dawes</p> <p>2 asked you -- or you can take a look at the example,</p> <p>3 G1-1/1319. This was a letter sent by you to Mr Tang.</p> <p>4 On page 1320 we see that this letter was sent in</p> <p>5 July 2024. Towards the end of page 1319 it says that</p> <p>6 according to the face-to-face communication on the 21st</p> <p>7 and 25th, you expressed that you were still looking for</p> <p>8 a suitable venue for the meeting and so you had to spend</p> <p>9 some time to locate a suitable venue. But just now you</p> <p>10 talked about live broadcast. Did you need more time to</p> <p>11 arrange for that?</p> <p>12 MS OR WAI YIN: According to my understanding from the then</p> <p>13 chairman, the OC did not have such equipment. They</p> <p>14 needed to recruit such services.</p> <p>15 MR JENKIN SUEN: Page 1044 towards the top. Attendees</p> <p>16 including proxies were 1,243. I remember in January</p> <p>17 2024 it was around 500, so that's actually more than</p> <p>18 double this time. And the venue here, you said that the</p> <p>19 hall could accommodate 600 people, and the second option</p> <p>20 was the outdoor playground which could accommodate 400</p> <p>21 people with live broadcast. The call for the meeting in</p> <p>22 2024 was withdrawn.</p> <p>23 Can I take you to page 1222. This is actually the</p> <p>24 report on the withdrawn request for the meeting. The</p> <p>25 proxy votes were handled by the chairman. You could</p>	<p>1 MS CHAN HAU MAN (affirmed)</p> <p>2 Examination by MR VICTOR DAWES</p> <p>3 MR VICTOR DAWES: Please be seated. In relation to the</p> <p>4 evidential hearing you gave a witness statement at</p> <p>5 WS1/501. You have read it and you can confirm the</p> <p>6 content.</p> <p>7 MS CHAN HAU MAN: Right.</p> <p>8 MR VICTOR DAWES: We know that you are the district officer</p> <p>9 of Tai Po. From when to when?</p> <p>10 MS CHAN HAU MAN: From 2018 I started off as the district</p> <p>11 officer of Tai Po District Office till January 2026.</p> <p>12 MR VICTOR DAWES: What role do you play in your capacity in</p> <p>13 relation to affairs relating to owners' corporations?</p> <p>14 MS CHAN HAU MAN: Building management is one of the duties</p> <p>15 of the district offices. I was the district officer.</p> <p>16 So in relation to complaints and enquiries relating to</p> <p>17 building management from residents, we dealt with them.</p> <p>18 If the building has incorporated owners, if they want to</p> <p>19 convene meetings, if they want to go through the</p> <p>20 procedure, we render assistance. For buildings without</p> <p>21 an IC, we will also provide assistance if they want to</p> <p>22 set up incorporated owners.</p> <p>23 MR VICTOR DAWES: I believe that either you yourself or your</p> <p>24 staff at your instructions have dealt with complaints</p> <p>25 from Wang Fuk Court in relation to major renovations and</p>

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<p>1 there is the heavier workload which is quite common, and</p> <p>2 the nature of the complaint is also something that is</p> <p>3 common as well.</p> <p>4 MS CHAN HAU MAN: Right.</p> <p>5 MR VICTOR DAWES: Records show that you have received</p> <p>6 44 complaints relating to renovation and other matters</p> <p>7 from Wang Fuk Court. There is a table, WS1-1/526, there</p> <p>8 is a table attached to your witness statement.</p> <p>9 In the time when you were the district officer of</p> <p>10 Tai Po, do you think that there were a lot of</p> <p>11 complaints?</p> <p>12 MS CHAN HAU MAN: The number of complaints is on the high</p> <p>13 side.</p> <p>14 MR VICTOR DAWES: When there were owners or residents'</p> <p>15 meetings, what's your role? Sometimes you were invited</p> <p>16 to attend.</p> <p>17 MS CHAN HAU MAN: They invite representatives from the DO.</p> <p>18 MR VICTOR DAWES: Would you attend?</p> <p>19 MS CHAN HAU MAN: Liaison officers would attend.</p> <p>20 MR VICTOR DAWES: Ms Or we just heard from?</p> <p>21 MS CHAN HAU MAN: Right.</p> <p>22 MR VICTOR DAWES: Paragraph 7 of your witness statement, you</p> <p>23 explained about your role. Can you also tell us your</p> <p>24 stance so that we can better understand your statement?</p> <p>25 MS CHAN HAU MAN: Building management is one of the duties</p>	<p>1 contractors and details of the works, that would be the</p> <p>2 decision of owners.</p> <p>3 We are the district office. We respect the decision</p> <p>4 and choice made by owners. If there is any</p> <p>5 contravention between the arrangements and the BMO, then</p> <p>6 we will provide assistance.</p> <p>7 MR VICTOR DAWES: There is another hat that you wear. Apart</p> <p>8 from being the district officer of Tai Po, you were</p> <p>9 also, starting from January 2024.</p> <p>10 MS CHAN HAU MAN: Yes.</p> <p>11 MR VICTOR DAWES: A chairman of the district council to the</p> <p>12 day when you left?</p> <p>13 MS CHAN HAU MAN: Right.</p> <p>14 MR VICTOR DAWES: Under the District Councils Ordinance,</p> <p>15 there are provisions that set out the duty of district</p> <p>16 councillors, say for example section 4A in relation to</p> <p>17 livelihood issues, welfare, consult residents, receive</p> <p>18 advice from government and forward views.</p> <p>19 MS CHAN HAU MAN: Yes.</p> <p>20 MR VICTOR DAWES: Services in relation to the welfare of</p> <p>21 certain parties will be provided as well. That's part</p> <p>22 of their duties. So you basically believe that the</p> <p>23 district councillors serve everyone in the district. In</p> <p>24 relation to Wang Fuk Court, they're there to serve all</p> <p>25 the residents there.</p>
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<p>1 of the Home Affairs Department. We provide assistance</p> <p>2 in relation to building management. For complexes like</p> <p>3 Wang Fuk Court, that is one with incorporated owners and</p> <p>4 a sizeable licensed building management company running</p> <p>5 the affairs of the building, very often we provide</p> <p>6 assistance in residents' meetings. We send colleagues</p> <p>7 to attend.</p> <p>8 When it comes to arrangement of residents' meetings,</p> <p>9 if they require assistance, say, for example, if more</p> <p>10 than 5 per cent of the owners signed to call for an</p> <p>11 extraordinary general meeting each year, if we are aware</p> <p>12 that there are non-compliances with the BMO, we will</p> <p>13 provide assistance. If there are enquiries or</p> <p>14 complaints reaching the district councillors, the</p> <p>15 district office will also handle them.</p> <p>16 MR VICTOR DAWES: You mentioned in your witness statement</p> <p>17 about the issue of neutrality. More often than not</p> <p>18 there are controversies in owners' meetings and you have</p> <p>19 explained, and I'm sure you agree, that the district</p> <p>20 office will remain neutral. They don't do any lobbying.</p> <p>21 That's not part of your work.</p> <p>22 MS CHAN HAU MAN: That's not part of my work. When it comes</p> <p>23 to building management, it's the rights and obligations</p> <p>24 of every owner. As to what choices they make, say, in</p> <p>25 the case of major renovation, the selection of</p>	<p>1 MS CHAN HAU MAN: I agree.</p> <p>2 MR VICTOR DAWES: In relation to change of incorporated</p> <p>3 owners, calling of meetings, there are also -- there</p> <p>4 were some contentions and controversies. Say, for</p> <p>5 example, meetings of the old management board and the</p> <p>6 new management board, very often district councillors</p> <p>7 from Tai Po would attend, and that's common; right?</p> <p>8 MS CHAN HAU MAN: Right.</p> <p>9 MR VICTOR DAWES: What roles did they play, if any?</p> <p>10 MS CHAN HAU MAN: As Mr Dawes said, the work of district</p> <p>11 councillors include district affairs. If there are</p> <p>12 buildings undergoing major renovation, residents living</p> <p>13 there of course would be concerned about the progress of</p> <p>14 the works. I understand that very often residents would</p> <p>15 invite district councillors to attend meetings so that</p> <p>16 the district councillors would get a better</p> <p>17 understanding or get firsthand information about the</p> <p>18 progress of the works. If they receive enquiries or</p> <p>19 calls for assistance, then they would have firsthand</p> <p>20 information when they provide assistance in following up</p> <p>21 the issues.</p> <p>22 The management committee and the OC are in close</p> <p>23 contact with each other, not just in terms of major</p> <p>24 renovation, but building management as well. They have</p> <p>25 a close contact with district councillors. So when it</p>

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<p>1 comes to building management, that's also a big part of</p> <p>2 the work of district councillors.</p> <p>3 MR VICTOR DAWES: Do you agree with this: the duty, just</p> <p>4 like -- the duty of district councillors, just like</p> <p>5 district officers, they should remain neutral because</p> <p>6 they serve everyone in the district?</p> <p>7 MS CHAN HAU MAN: District councillors work to promote a</p> <p>8 better building management, that's part of their duties.</p> <p>9 District councillors usually have been serving in the</p> <p>10 district for quite some time so they have an established</p> <p>11 network, they have a very good understanding of the</p> <p>12 affairs in the district. When it comes to building</p> <p>13 management, say, for example, suitable persons that can</p> <p>14 play different roles in the works or in the building</p> <p>15 management, they may have an opinion. We respect their</p> <p>16 work in this regard.</p> <p>17 MR VICTOR DAWES: We can't go off a tangent from the focus</p> <p>18 of the committee. There are accusations and allegations</p> <p>19 in relation to proper conduct of meetings and</p> <p>20 bid-rigging. Residents are very sensitive when it comes</p> <p>21 to these issues. There is evidence showing that there</p> <p>22 are district councillors that have obtained a large</p> <p>23 number of proxies. Do you think that runs counter to</p> <p>24 their duties?</p> <p>25 MS CHAN HAU MAN: In relation to proxies, our understanding</p>	<p>1 previous question that district councillors should</p> <p>2 remain neutral. When it comes to disputes among</p> <p>3 residents, they should not side with either party.</p> <p>4 THE HON MR JUSTICE DAVID LOK: I think -- is this a</p> <p>5 political issue?</p> <p>6 MR VICTOR DAWES: No. We talked about section 4A under the</p> <p>7 District Councils Ordinance. We can't handle political</p> <p>8 issues.</p> <p>9 MS CHAN HAU MAN: District councillors have a certain</p> <p>10 understanding of district affairs. They may have</p> <p>11 personal opinion or views in relation to building</p> <p>12 management. If their advice or suggestion is allowed</p> <p>13 under the existing legal framework, then we respect that</p> <p>14 that is part of their work as a district councillor.</p> <p>15 MR VICTOR DAWES: If the fact is, let's say, for example,</p> <p>16 a district councillor has a large number of proxy</p> <p>17 instruments, will you take initiative to investigate</p> <p>18 into the matter? If there are no other allegations, how</p> <p>19 will you deal with it?</p> <p>20 MS CHAN HAU MAN: I think it's a hypothetical question.</p> <p>21 MR VICTOR DAWES: Right.</p> <p>22 MS CHAN HAU MAN: If hypothetically we become aware that</p> <p>23 someone or a district councillor has a large number of</p> <p>24 proxy instruments that means a lot of residents have</p> <p>25 given them proxies.</p>
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<p>1 is that under the BMO, proxy instruments are allowed.</p> <p>2 That's one of the ways for owners to participate in</p> <p>3 building affairs. Of course we encourage owners to</p> <p>4 attend meetings personally or get personally involved</p> <p>5 with decisions relating to building management.</p> <p>6 However, if some owners are unable to attend all the</p> <p>7 meetings, proxy instrument is one of the tools available</p> <p>8 to participate because proxy instrument is a way to</p> <p>9 reflect the choice and decision of owners. The owner</p> <p>10 should choose a person they trust to get the proxy in</p> <p>11 order to make a decision for them. So under the BMO,</p> <p>12 proxy instrument is a tool that is allowed.</p> <p>13 I think the focus of Mr Dawes' question is whether</p> <p>14 the proxy instrument is obtained legitimately or in a</p> <p>15 way that is allowed under the law. There are sayings</p> <p>16 that someone used fraudulent means to obtain proxy</p> <p>17 instrument. This is a very serious allegation. If the</p> <p>18 district office received specific complaints or if</p> <p>19 owners told us that they have been falsely represented</p> <p>20 by proxy or if a proxy is obtained by fraudulent means,</p> <p>21 we will refer the cases to law enforcement agencies</p> <p>22 because this is a serious allegation that requires</p> <p>23 following up by law enforcement agencies.</p> <p>24 MR VICTOR DAWES: Perhaps it's just a matter of my putting</p> <p>25 the question. I believe that you would agree to my</p>	<p>1 MR VICTOR DAWES: This is a hypothetical question. Please</p> <p>2 answer.</p> <p>3 MS CHAN HAU MAN: That means a lot of owners have given</p> <p>4 proxy instruments to the same district councillor to</p> <p>5 participate in a meeting. The person who has the proxy</p> <p>6 instrument, or if the way the proxy instrument was given</p> <p>7 complies with the law, then under the existing</p> <p>8 legislation there is no contravention. But we</p> <p>9 understand that the department and the bureau, in</p> <p>10 relation to BMO, is conducting a review. One part of it</p> <p>11 is whether it's suitable to have proxy instruments in</p> <p>12 the hands of a few people, that is whether a person</p> <p>13 should have a maximum number of proxy instruments in</p> <p>14 hand and whether there should be a review in relation to</p> <p>15 proxy arrangements. There is an ongoing review.</p> <p>16 MR VICTOR DAWES: Am I right to say that, say there are</p> <p>17 allegations showing evidence that someone through</p> <p>18 unlawful means obtained proxy instruments. If there is</p> <p>19 information available, you will conduct an</p> <p>20 investigation?</p> <p>21 MS CHAN HAU MAN: We are the District Office of Tai Po. We</p> <p>22 are bound by our remit. If the proxy is obtained</p> <p>23 through illegal means, if we have the information, we</p> <p>24 will forward the case to the right department. I think</p> <p>25 in this case we will refer the case to the police. This</p>

<p style="text-align: right;">Page 129</p> <p>1 would be an appropriate course of action.</p> <p>2 MR VICTOR DAWES: So if it's just someone, given the current</p> <p>3 legislation, there is no limit to the number of proxies</p> <p>4 that one can hold, and it seems that there is no illegal</p> <p>5 act involved, so it doesn't warrant an investigation; is</p> <p>6 that right?</p> <p>7 MS CHAN HAU MAN: Right. Well, may I put it this way.</p> <p>8 There is a very vigorous declaration of interest</p> <p>9 mechanism in place for district councillors. If there</p> <p>10 is any conflict of interest in their line of work, the</p> <p>11 district councillor will have to declare the interest.</p> <p>12 MR VICTOR DAWES: Thank you. I don't have any other</p> <p>13 questions.</p> <p>14 THE HON MR JUSTICE DAVID LOK: Involved parties, any</p> <p>15 questions?</p> <p>16 If not, Mr Suen from the government?</p> <p>17 MR JENKIN SUEN: We don't have any questions.</p> <p>18 MR VICTOR DAWES: No re-examination.</p> <p>19 THE HON MR JUSTICE DAVID LOK: Ms Chan, you have finished</p> <p>20 giving evidence.</p> <p>21 (The witness was released)</p> <p>22 (4.18 pm)</p> <p>23 THE HON MR JUSTICE DAVID LOK: We have finished with the</p> <p>24 four witnesses.</p> <p>25 MR VICTOR DAWES: We are 10 minutes early.</p>	
<p style="text-align: right;">Page 130</p> <p>1 THE HON MR JUSTICE DAVID LOK: We will continue on Thursday.</p> <p>2 Thursday, 10 o'clock. We will adjourn.</p> <p>3 (4.18 pm)</p> <p>4 (The hearing adjourned until 10.00 am</p> <p>5 on Thursday, 30 April 2026)</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	