

# **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 22  
Wednesday, 06 May 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 and Mr Calvin Cheuk appeared on  
behalf of the Government**

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

**Representatives of Department of Justice**

**Representatives of Competition Commission**

**Mr Jeffrey Tam and Mr Colman Li appeared on behalf of Residents of  
Wang Fuk Court**

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<p>1 Wednesday, 6 May 2026</p> <p>2 (10.00 am)</p> <p>3 MR VICTOR DAWES: Chairman and members, good morning. The</p> <p>4 next witness is Mr Ku Siu Ping.</p> <p>5 Good morning, Mr Ku. Please be upstanding and read</p> <p>6 out the declaration before you.</p> <p>7 (10.00 am)</p> <p>8 MR KU SIU PING, ANDY (affirmed)</p> <p>9 Examination by MR VICTOR DAWES</p> <p>10 MR VICTOR DAWES: Thank you. Please sit down.</p> <p>11 Mr Ku, you worked in the ICU, Independent Checking</p> <p>12 Unit. You are a senior maintenance surveyor.</p> <p>13 MR KU SIU PING: Right.</p> <p>14 MR VICTOR DAWES: For this hearing you have submitted three</p> <p>15 witness statements. The third one was submitted after</p> <p>16 the evidential hearing has started. You supplied the</p> <p>17 information to answer certain questions. Do you confirm</p> <p>18 that the contents of all three statements are correct?</p> <p>19 MR KU SIU PING: Right.</p> <p>20 MR VICTOR DAWES: We understand that you joined the ICU on</p> <p>21 4 January 2024?</p> <p>22 MR KU SIU PING: Right.</p> <p>23 MR VICTOR DAWES: And you were promoted to present rank in</p> <p>24 March 2018?</p> <p>25 MR KU SIU PING: Yes.</p>	<p>1 relation to building works maintenance of Home Ownership</p> <p>2 Scheme units.</p> <p>3 MR KU SIU PING: Right.</p> <p>4 MR VICTOR DAWES: From the time when the major renovation at</p> <p>5 Wang Fuk Court started to the fire, you were the head of</p> <p>6 the MBIS, Mandatory Building Inspection Scheme, team?</p> <p>7 MR KU SIU PING: Right.</p> <p>8 MR VICTOR DAWES: And this team is in charge of all</p> <p>9 renovation and maintenance work under the MBIS?</p> <p>10 MR KU SIU PING: Right.</p> <p>11 MR VICTOR DAWES: You've been working in the ICU for quite</p> <p>12 some time. I believe that you have rich experience when</p> <p>13 it comes to building maintenance and repair.</p> <p>14 MR KU SIU PING: Right.</p> <p>15 MR VICTOR DAWES: Before the fire, there had been a number</p> <p>16 of questions raised and reported by the media and these</p> <p>17 questions have been touched on by people in the trade as</p> <p>18 well. Let's see if you've heard about them.</p> <p>19 When it comes to major renovation, perhaps there may</p> <p>20 be illegal activities among contractors such as</p> <p>21 bid-rigging. That's not something new; right?</p> <p>22 MR KU SIU PING: Correct.</p> <p>23 MR VICTOR DAWES: Another illegal activity is that the</p> <p>24 consultant, the RI, colluded with contractors and it's</p> <p>25 not something you learned about after Wang Fuk Court?</p>
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<p>1 MR VICTOR DAWES: Before you joined the ICU, which</p> <p>2 department did you work in?</p> <p>3 MR KU SIU PING: I joined ICU in January 2024. Before that,</p> <p>4 I worked in the Housing Department site management</p> <p>5 section as a maintenance surveyor.</p> <p>6 MR VICTOR DAWES: Did you start in 2018?</p> <p>7 MR KU SIU PING: Yes.</p> <p>8 MR VICTOR DAWES: Before 2018, in which department did you</p> <p>9 work?</p> <p>10 MR KU SIU PING: Between 2014 and 2018 I was working in ICU</p> <p>11 in the mandatory building inspection team as</p> <p>12 a maintenance surveyor.</p> <p>13 MR VICTOR DAWES: So you were working in the ICU and then</p> <p>14 rejoined. What about before 2014?</p> <p>15 MR KU SIU PING: Between 2010 and 2014 I worked as</p> <p>16 a maintenance surveyor in the Housing Department in the</p> <p>17 estate management division.</p> <p>18 MR VICTOR DAWES: So you worked in the ICU twice?</p> <p>19 MR KU SIU PING: Right.</p> <p>20 MR VICTOR DAWES: May I say that in relation to the relevant</p> <p>21 laws and regulations under the purview of the ICU, this</p> <p>22 was not the first time you came into contact with it</p> <p>23 because you worked there before?</p> <p>24 MR KU SIU PING: Right.</p> <p>25 MR VICTOR DAWES: We understand that the ICU has powers in</p>	<p>1 MR KU SIU PING: I've learned about it from news report.</p> <p>2 MR VICTOR DAWES: You come into contact with contractors,</p> <p>3 RIs, registered inspectors. There have been comments in</p> <p>4 the community, not just press report.</p> <p>5 MR KU SIU PING: Right.</p> <p>6 MR VICTOR DAWES: Before the fire of Wang Fuk Court,</p> <p>7 regarding unlawful activities of contractors, not just</p> <p>8 those I mentioned before, there may be others, say, for</p> <p>9 example, cutting corners, it happened; right?</p> <p>10 MR KU SIU PING: Yes. There's a chance that it happened.</p> <p>11 MR VICTOR DAWES: In relation to maintenance projects you</p> <p>12 were involved in, did these things happen?</p> <p>13 MR KU SIU PING: I wasn't aware of any.</p> <p>14 MR VICTOR DAWES: I asked you about the projects you have</p> <p>15 been involved in, did any of these things happen, you</p> <p>16 said that you were not aware. You did not know.</p> <p>17 MR KU SIU PING: If I knew, I would have made a report to</p> <p>18 the ICAC.</p> <p>19 MR VICTOR DAWES: So, in your understanding and knowledge,</p> <p>20 you did not know of any?</p> <p>21 MR KU SIU PING: Right.</p> <p>22 MR VICTOR DAWES: There is a common complaint. Residents</p> <p>23 and the IOs, incorporated owners, were deceived. They</p> <p>24 were asked to undertake unnecessary works.</p> <p>25 MR KU SIU PING: I have not heard about it.</p>

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<p>1 MR VICTOR DAWES: Have you come into contact with anything                  2 like that?                  3 MR KU SIU PING: In the process of my involvement of MBIS                  4 projects, I have come across items that are not under                  5 the MBIS but were included in the works. That's called                  6 improvement works.                  7 MR VICTOR DAWES: For the improvement works, sometimes it's                  8 done with a consent by the owners, not mandated by the                  9 government.                  10 MR KU SIU PING: Yes.                  11 MR VICTOR DAWES: But what I was talking about is that they                  12 did not know. They thought that it was mandatory but                  13 they did not know that it was not mandatory?                  14 MR KU SIU PING: Perhaps some things were said during the                  15 tender process or other process, not that it was not                  16 related to the MBIS, but they were added.                  17 MR VICTOR DAWES: Now another common issue: contractors                  18 committed non-compliant practices. You are aware of                  19 that; right? Sometimes it has something to do with                  20 safety issues. If you were aware of it, you would have                  21 pointed it out?                  22 MR KU SIU PING: Right.                  23 MR VICTOR DAWES: Perhaps it was a contravention of rules                  24 and regulations; it's something of your concern and                  25 you would follow up?</p>	<p>1 in the evidential hearing. Can you tell us why?                  2 MR KU SIU PING: Because Ms Lau carries out the work as                  3 instructed by me and everything was recorded, say, for                  4 example, in the form of email, and very often, when we                  5 went to conduct site inspections at Wang Fuk Court,                  6 I did it with her. So there is no need for Ms Lau to                  7 make a witness statement.                  8 MR VICTOR DAWES: So you supervised her work?                  9 MR KU SIU PING: All her work was copied to me, so I was                  10 aware of Ms Lau's work.                  11 MR VICTOR DAWES: If we ask you something that you don't                  12 know, then you tell us. I'm interested in what you know                  13 and your respective roles. First I'd like to ask you                  14 this. Why was Wang Fuk Court selected under the MBIS?                  15 MR KU SIU PING: Yes.                  16 MR VICTOR DAWES: We understand that the process started                  17 over a decade ago, that is December 2013?                  18 MR KU SIU PING: Yes.                  19 MR VICTOR DAWES: Your statement talked about a building                  20 score system. Paragraphs 16 and 17 of your first                  21 witness statement.                  22 Let's minimise it a bit. You explain that to assess                  23 the risk of these estates you have selected five, one of                  24 which was Wang Fuk Court. You explain in your witness                  25 statement about the scores they have obtained under the</p>
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<p>1 MR KU SIU PING: Yes.                  2 MR VICTOR DAWES: Now let's go back to your team. The MBIS                  3 team. I understand that under you there were five                  4 professionals and 12 non-professional staff members. In                  5 the Wang Fuk Court case, we learned from emails that one                  6 of your subordinates, a maintenance surveyor, Ms Amanda                  7 Lau, Lau Ka Man, dealt with Wang Fuk Court maintenance                  8 under your leadership.                  9 MR KU SIU PING: Right.                  10 MR VICTOR DAWES: In this project, other than you and                  11 Ms Lau, which other persons in the MBIS team were                  12 involved?                  13 MR KU SIU PING: There is one Li Ka Ho, an assistant clerk                  14 of works, not a professional.                  15 MR VICTOR DAWES: So the three of you?                  16 MR KU SIU PING: Right.                  17 MR VICTOR DAWES: We have seen emails and WhatsApps                  18 involving Ms Lau. We will look into it shortly. Ms Lau                  19 represented ICU, dealt with Prestige and Will Power, the                  20 RI. She was the main point of contact; right?                  21 MR KU SIU PING: Yes.                  22 MR VICTOR DAWES: If residents had anything to say to ICU,                  23 they would do it via her to you; right?                  24 MR KU SIU PING: Yes.                  25 MR VICTOR DAWES: Ms Lau did not make any witness statement</p>	<p>1 system.                  2 MR KU SIU PING: Right.                  3 MR VICTOR DAWES: When it comes to the scoring criteria, we                  4 can refer to I1-2, page 1636. We see at the top right                  5 is "MBIS section manual". It's your manual; right?                  6 MR KU SIU PING: Yes.                  7 MR VICTOR DAWES: Top left, "Building Score system" which                  8 sets out the criteria and consideration.                  9 MR KU SIU PING: Let me add, this MBIS section manual is a                  10 manual of the Buildings Department. We follow that.                  11 MR VICTOR DAWES: I understand. This is compiled by the                  12 Buildings Department. You follow this manual to select                  13 target buildings understand the MBIS?                  14 MR KU SIU PING: Right.                  15 MR VICTOR DAWES: There is no contention about the                  16 applicability of the criteria. It considers the                  17 building age, building condition, whether there was any                  18 major renovation done before, and also risk to the                  19 public. These are the considerations.                  20 MR KU SIU PING: Right.                  21 MR VICTOR DAWES: Let's go down a bit. There are some                  22 notes. Under 1:                  23 "The higher score will be accorded with higher                  24 priority for selection."                  25 It means that the higher the score, the chance that</p>

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<p>1 it will be selected is also higher.</p> <p>2 MR KU SIU PING: Right.</p> <p>3 MR VICTOR DAWES: I'd like your help on a number of points.</p> <p>4 Let's go up a bit. There is one item, "Building</p> <p>5 Management". It's under C.</p> <p>6 MR KU SIU PING: Yes.</p> <p>7 MR VICTOR DAWES: With OC, 5; without OC, 1. Am I right to</p> <p>8 understand that if there is an owners' corporation there</p> <p>9 will be a score of 5, and without, a score of 1, so the</p> <p>10 chance of it being selected will be higher if there is</p> <p>11 an OC?</p> <p>12 MR KU SIU PING: Right.</p> <p>13 MR VICTOR DAWES: What's the rationale?</p> <p>14 MR KU SIU PING: I was not involved in the selection. The</p> <p>15 scoring system has changed since then. So logically,</p> <p>16 there should be a lower score for buildings with an OC</p> <p>17 and a higher score for buildings without.</p> <p>18 MR VICTOR DAWES: So you say that this is not logical?</p> <p>19 MR KU SIU PING: Well, I need to clarify. This system has</p> <p>20 already been changed.</p> <p>21 MR VICTOR DAWES: Under the current system, so it's the</p> <p>22 other way round with or without OC?</p> <p>23 MR KU SIU PING: It's different.</p> <p>24 MR VICTOR DAWES: What is it now?</p> <p>25 MR KU SIU PING: For three-nil buildings, that is no</p>	<p>1 MR KU SIU PING: I recall that it's about 2021.</p> <p>2 MR VICTOR DAWES: So it's rather dated, this one?</p> <p>3 MR KU SIU PING: Right.</p> <p>4 MR VICTOR DAWES: Let's refer to paragraph 16 of your</p> <p>5 witness statement. The score of Wang Fuk Court among</p> <p>6 the other ones is not high; it scores 32. There are</p> <p>7 higher ones and they're all in the Northern District; is</p> <p>8 that right?</p> <p>9 MR KU SIU PING: Yee Kok Court is in Kowloon.</p> <p>10 MR VICTOR DAWES: Where?</p> <p>11 MR KU SIU PING: Yee Kok Court is in Sham Shui Po. Shun Chi</p> <p>12 Court, I remember, is near Shun Lee Estate. Yue Tin</p> <p>13 Court is in Shatin. Wang Fuk Court is in Tai Po.</p> <p>14 MR VICTOR DAWES: According to the record of Wang Fuk Court</p> <p>15 it's II, page 1623. This is Wang Fuk Court. It's done</p> <p>16 by the ICU.</p> <p>17 MR KU SIU PING: Right.</p> <p>18 MR VICTOR DAWES: It says condition, good, no obvious</p> <p>19 damage. It's under B; can you see it?</p> <p>20 MR KU SIU PING: Yes.</p> <p>21 MR VICTOR DAWES: This is a standard form?</p> <p>22 MR KU SIU PING: It's a pro forma template.</p> <p>23 MR VICTOR DAWES: You did not tailor it to the project?</p> <p>24 MR KU SIU PING: Right.</p> <p>25 MR VICTOR DAWES: So there is another option. It's okay,</p>
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<p>1 building management, there will be a higher score.</p> <p>2 MR VICTOR DAWES: That means without OC there is a higher</p> <p>3 risk?</p> <p>4 MR KU SIU PING: Right.</p> <p>5 MR VICTOR DAWES: So the current logic is that without</p> <p>6 management there should be a higher priority, but back</p> <p>7 then with management with an OC, then it should have</p> <p>8 a higher priority?</p> <p>9 MR KU SIU PING: Yes, that's the logic. But I -- I'm not</p> <p>10 sure about the logic back then. That's why I need to</p> <p>11 clarify.</p> <p>12 MR VICTOR DAWES: So you can't explain?</p> <p>13 MR KU SIU PING: Right.</p> <p>14 MR VICTOR DAWES: Another point that I need your</p> <p>15 clarification, "Nomination from DC member or HKHS".</p> <p>16 15 points. What was the consideration? Has it been</p> <p>17 changed?</p> <p>18 MR KU SIU PING: It's changed.</p> <p>19 MR VICTOR DAWES: What is it now?</p> <p>20 MR KU SIU PING: There are four items. Building age,</p> <p>21 condition management and design, whether there is any</p> <p>22 potential risk, say, for example, balcony.</p> <p>23 MR VICTOR DAWES: So DC members are not involved?</p> <p>24 MR KU SIU PING: Right.</p> <p>25 MR VICTOR DAWES: When was it changed, the scoring system?</p>	<p>1 with some acceptable damage, and there is always poor</p> <p>2 disrepair. So for Wang Fuk Court, it's rather good.</p> <p>3 Can you see this part in relation to damage?</p> <p>4 MR KU SIU PING: Yes.</p> <p>5 MR VICTOR DAWES: It says "no" here, and then the next page,</p> <p>6 not nominated by DC members. So it has a lower score.</p> <p>7 Let's go back to the previous page. Building</p> <p>8 condition, it has a high score, that means it's in good</p> <p>9 condition. So it has a low score because the higher</p> <p>10 score, the more likely it would be selected.</p> <p>11 According to your witness statement, Wang Fuk Court</p> <p>12 has a lower score. Why was it selected?</p> <p>13 MR KU SIU PING: That is because for other courts, some were</p> <p>14 under large-scale renovation. That was why they would</p> <p>15 not be selected. In this situation, Wang Fuk Court was</p> <p>16 selected. Courts (i), (ii), (iii) were under</p> <p>17 renovation. Yee Kok Court was selected for the MBIS, as</p> <p>18 was Yue Tin Court. That is based on our record. Shun</p> <p>19 Chi Court was not selected.</p> <p>20 MR VICTOR DAWES: A large-scale renovation was being</p> <p>21 conducted in Shun Chi Court. You mean despite the low</p> <p>22 score of Wang Fuk Court, other courts were under</p> <p>23 large-scale renovation. So what about King Tin Court?</p> <p>24 MR KU SIU PING: As for King Tin Court, it has been selected</p> <p>25 now, based on my impression, but probably not within</p>

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<p>1 this batch.</p> <p>2 MR VICTOR DAWES: In any event, if we refer back to the</p> <p>3 list, it wasn't quite bad, but it was selected in the</p> <p>4 end. As we can see, in December 2013 Wang Fuk Court was</p> <p>5 selected. In April 2014 a letter was sent to the OC of</p> <p>6 Wang Fuk Court, that is pre-notification letter,</p> <p>7 informing them of the fact that they would receive</p> <p>8 a notice of the MBIS. Let's refer to the relevant</p> <p>9 documents. Two years later, on 10 June 2016, only then</p> <p>10 ICU sent a letter to Wang Fuk Court. It is set out in</p> <p>11 paragraph 20 of your first witness statement.</p> <p>12 Why was it only sent after two years; can you assist</p> <p>13 us?</p> <p>14 MR KU SIU PING: For these large-scale renovations, there is</p> <p>15 an OC, we wanted to give advance notice to the OC so</p> <p>16 that they would know that we would send the MBIS notice,</p> <p>17 hence more time for them to prepare for this.</p> <p>18 MR VICTOR DAWES: And this has been your practice; is that</p> <p>19 correct?</p> <p>20 MR KU SIU PING: Yes.</p> <p>21 MR VICTOR DAWES: You give courts two years of notice?</p> <p>22 MR KU SIU PING: Well, one year or so.</p> <p>23 MR VICTOR DAWES: In paragraph 20 you said in June 2017 to</p> <p>24 October 2019 five extensions were granted, a delay of</p> <p>25 three years and a half. Your explanation is that ICU</p>	<p>1 registered inspector.</p> <p>2 MR KU SIU PING: Yes.</p> <p>3 MR VICTOR DAWES: Within seven days, RI needs to inform the</p> <p>4 ICU that they have been engaged and then MBI1 would have</p> <p>5 to be submitted upon completion of the inspection.</p> <p>6 MR KU SIU PING: Yes.</p> <p>7 MR VICTOR DAWES: If repairs are needed, the RI needs to</p> <p>8 make a report to the ICU with an inspection report as</p> <p>9 well as another form, that is MBI3, and that is the</p> <p>10 second step; is that correct?</p> <p>11 MR KU SIU PING: Yes.</p> <p>12 MR VICTOR DAWES: Moving on to the third step, after repairs</p> <p>13 the RI needs to submit a completion report to you. That</p> <p>14 is MBI4.</p> <p>15 MR KU SIU PING: Yes.</p> <p>16 MR VICTOR DAWES: Finally an MBI5 needs to be submitted to</p> <p>17 confirm that there is no business connection between the</p> <p>18 previous RI who carried out the building inspection and</p> <p>19 the RC, and that is submitted at the completion of the</p> <p>20 project?</p> <p>21 MR KU SIU PING: Correct.</p> <p>22 MR VICTOR DAWES: In paragraph 24 of your witness statement</p> <p>23 you mentioned MIMS, mandatory inspection management</p> <p>24 system, upon receipt of MBI documents, the documents</p> <p>25 would be kept in the system?</p>
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<p>1 grant these extensions because the OCs showed active</p> <p>2 progress, that is active progress by the WFC IO. What</p> <p>3 do you mean by "active progress"?</p> <p>4 MR KU SIU PING: For example, engaged a consultant for</p> <p>5 checks, or applications for building subsidies were in</p> <p>6 place. This is how we gauge whether there was an active</p> <p>7 progress.</p> <p>8 MR VICTOR DAWES: To be fair to you, you said "for example".</p> <p>9 Is that the usual situation? Can you tell us the</p> <p>10 specific active progress in relation to Wang Fuk Court?</p> <p>11 MR KU SIU PING: As I remember, it applied for Smart Tender.</p> <p>12 And OCs held meetings to raise funds. For such</p> <p>13 large-scale renovations, OCs need a long time to make</p> <p>14 preparations.</p> <p>15 MR VICTOR DAWES: Hence longer time.</p> <p>16 MR KU SIU PING: Yes. If you refer to the recent courts</p> <p>17 under MBIS, MBIS notices were sent recently.</p> <p>18 MR VICTOR DAWES: Is the time decided by the ICU?</p> <p>19 MR KU SIU PING: Yes.</p> <p>20 MR VICTOR DAWES: I'd like to go to the handling of the MBIS</p> <p>21 notices. Can you tell us the procedures? We can see</p> <p>22 that in paragraph 9 of your first witness statement you</p> <p>23 explain the procedures as well as the relevant</p> <p>24 documents. Let's zoom out.</p> <p>25 First of all, the OC need to engage an RI,</p>	<p>1 MR KU SIU PING: Yes.</p> <p>2 MR VICTOR DAWES: Did they submit paper reports and then you</p> <p>3 manually input the data?</p> <p>4 MR KU SIU PING: There is a USB drive. In addition to hard</p> <p>5 copy, we request the provision of a USB drive.</p> <p>6 MR VICTOR DAWES: We know that some reports may be quite</p> <p>7 lengthy hence the need to submit the hard copy and the</p> <p>8 soft copy on a USB drive at the same time.</p> <p>9 MR KU SIU PING: Yes.</p> <p>10 MR VICTOR DAWES: So do you manually input the data?</p> <p>11 MR KU SIU PING: We scan the information.</p> <p>12 MR VICTOR DAWES: In relation to large-scale renovation of</p> <p>13 Wang Fuk Court, there are also specified forms and</p> <p>14 documents in relation to minor works. Are we correct to</p> <p>15 understand that ICU has another team, that is minor</p> <p>16 works team, to inspect such documents relating to minor</p> <p>17 works?</p> <p>18 MR KU SIU PING: Yes.</p> <p>19 MR VICTOR DAWES: I'm not going to go into details with you.</p> <p>20 As another colleague, Mr Yung Wing Lun, is in a better</p> <p>21 position to explore this area with us.</p> <p>22 While checking these minor works documents, at the</p> <p>23 stage of inspections, it would not be conducted by the</p> <p>24 ICU MBIS team; is that correct?</p> <p>25 MR KU SIU PING: Did you mean minor works?</p>

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1 MR VICTOR DAWES: Yes.  
 2 MR KU SIU PING: Minor works documents are vetted by the  
 3 minor works team, that is the team of Mr Yung.  
 4 MR VICTOR DAWES: Not by your team?  
 5 MR KU SIU PING: No.  
 6 MR VICTOR DAWES: Regarding vetting work of the MBIS team,  
 7 when the ICU receives MBI3, that is the inspection  
 8 report, as well as the MBI4, that is the completion  
 9 report, you then conduct three types of inspection?  
 10 MR KU SIU PING: Yes.  
 11 MR VICTOR DAWES: Starting from paragraph 24 you explain  
 12 this.  
 13 MR KU SIU PING: Yes.  
 14 MR VICTOR DAWES: Wang Fuk Court, we know the check was not  
 15 completed so MBI4 was not submitted. Let's focus on  
 16 MBI3.  
 17 MR KU SIU PING: Yes.  
 18 MR VICTOR DAWES: Regarding the checks that have been  
 19 conducted, the procedures are related to the procedures  
 20 in relation to MBI3.  
 21 MR KU SIU PING: Yes.  
 22 MR VICTOR DAWES: I'd like to walk you through the contents  
 23 of your witness statement since not everyone on the  
 24 floor has read your witness statement. MBI3 forms  
 25 involve a preliminary check. In paragraph 26, that is

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1 preliminary check, what does it include, we can see:  
 2 "(a) verification of the registration status of the  
 3 RI against the record as shown in the RI register ..."  
 4 That is to check based on the record whether it is  
 5 an RI in the RI register maintained by the BD. Second:  
 6 "(b) check that the inspection/repair works of the  
 7 building were carried out before the RI's registration  
 8 expiry date and that the signature of the RI matches  
 9 with the record ..."  
 10 The second thing you check under the preliminary  
 11 check is whether the qualifications of the RI are still  
 12 of valid, whether the qualifications have expired and  
 13 whether the signature of the RI matches the record.  
 14 Three:  
 15 "(c) in case irregularity in the MBI form is  
 16 discovered, to prepare a letter inviting the RI for  
 17 rectification or rejection."  
 18 That is if any problem is identified in the MBI  
 19 form, you would rectify it or, if it's too serious, you  
 20 would reject it; is that correct?  
 21 MR KU SIU PING: Yes.  
 22 MR VICTOR DAWES: In other words, when you receive form  
 23 MBI3, you check the signature and then you also check  
 24 whether the RI is on the register and whether there are  
 25 any issues in the MBI form?

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1 MR KU SIU PING: Correct.  
 2 MR VICTOR DAWES: That's all for the preliminary check?  
 3 MR KU SIU PING: Yes.  
 4 MR VICTOR DAWES: There are two other types of checks. One,  
 5 fundamental check. The other type is audit check; is  
 6 that correct?  
 7 MR KU SIU PING: Correct.  
 8 MR VICTOR DAWES: You conduct audit checks in relation to  
 9 documents. They concern document checking; is that  
 10 correct?  
 11 MR KU SIU PING: Correct.  
 12 MR VICTOR DAWES: For the others, fundamental checks will be  
 13 conducted.  
 14 MR KU SIU PING: Yes.  
 15 MR VICTOR DAWES: Let's first take a look at fundamental  
 16 checks in paragraph 28. Upon receipt of the forms,  
 17 within three months a fundamental check will need to be  
 18 finished. That is paragraph 33 and the time span is  
 19 three months.  
 20 MR KU SIU PING: Correct.  
 21 MR VICTOR DAWES: Let's go to paragraph 33. Based on your  
 22 evidence, the purpose of a fundamental check is to check  
 23 the relevant reports have been submitted as well as duly  
 24 completed and signed with an effective signature.  
 25 That's all for the fundamental check as set out in

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1 paragraph 28.  
 2 MR KU SIU PING: Correct.  
 3 MR VICTOR DAWES: That is a form someone signed, it's been  
 4 duly completed, and that is the fundamental check; is  
 5 that correct?  
 6 MR KU SIU PING: We check whether the items are already in  
 7 the form.  
 8 MR VICTOR DAWES: Let's take a look at Wang Yan House, the  
 9 form of Wang Yan House, I1-2, page 1881. Let's zoom out  
 10 and take a look at the form.  
 11 As we can see, RI, Mr Shum Kui Chung. A report was  
 12 completed and the report would be submitted in  
 13 conjunction with the report or together with a form.  
 14 Just basic information, not much. However, the report  
 15 is actually quite long. Let's go to page 1883. We can  
 16 see this is the inspection report of Will Power  
 17 Architects Co Ltd. It sets out the information of the  
 18 RI as well as the housing estate.  
 19 Let's go to page 2341. Let's take a look at the  
 20 table of contents. The report is quite lengthy. For  
 21 this report, do you read the contents in detail?  
 22 MR KU SIU PING: If we have selected it for audit checks.  
 23 MR VICTOR DAWES: No, not audit checks. Let's talk about  
 24 fundamental checks. Would you go over it in detail?  
 25 MR KU SIU PING: We would take a look at the front page and

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1 check if the items have been included, but we won't go  
 2 over the contents of the report.  
 3 MR VICTOR DAWES: You said you would take a look at the  
 4 front page or the table of contents. You said you would  
 5 see what is covered, so what do you consider?  
 6 MR KU SIU PING: We mainly check whether the report is in  
 7 line with the code of practice as stipulated in the code  
 8 of practice by the Buildings Department. There is  
 9 something that needs to be submitted, such as a summary,  
 10 information of the building, reference documents,  
 11 inspection results, assessment, repair, recommendations.  
 12 All these are required to be covered and submitted. So,  
 13 first of all, we check whether the report includes these  
 14 contents.  
 15 MR VICTOR DAWES: In other words, you check the table of  
 16 contents to gauge whether the relevant contents are  
 17 covered, but in relation to whether the contents are  
 18 really covered, you won't go into detail?  
 19 MR KU SIU PING: Yes. After we receive the document,  
 20 we would check the table of contents and we will also  
 21 flip through the report. On the table of contents there  
 22 is an assessment and we also check whether there is  
 23 indeed an assessment. However, in relation to the  
 24 contents of the assessment or the repair  
 25 recommendations, we do not go over them in detail.

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1 MR VICTOR DAWES: That is for fundamental check, you do not  
 2 check the contents of the report. However, if it is  
 3 selected under audit checks, then you would?  
 4 MR KU SIU PING: Correct.  
 5 MR VICTOR DAWES: If you just conduct a fundamental check,  
 6 you don't carry out any on-site inspection and basically  
 7 you just take a look at the form as well as the table of  
 8 contents?  
 9 MR KU SIU PING: Correct.  
 10 MR VICTOR DAWES: In the conduct of a fundamental check it's  
 11 really quite fundamental. Such as to check whether  
 12 there are indeed these defects?  
 13 MR KU SIU PING: Correct.  
 14 MR VICTOR DAWES: We cannot see the MBI5 of Wang Fuk Court  
 15 because the works were not completed, but in a form they  
 16 need to declare the relations between them and the RI.  
 17 But regarding the veracity of the relationship, you  
 18 won't verify it; is that correct?  
 19 MR KU SIU PING: Yes. That is their declaration.  
 20 MR VICTOR DAWES: So based on what you said, with  
 21 a fundamental check, nothing much could be checked.  
 22 Let's take a look at audit checks. Paragraph 29 of  
 23 your witness statement. You mention in your work  
 24 you would rely on the MBIS system. Automatic balloting,  
 25 every month 16 cases are selected for audit checks.

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1 Footnote 2:  
 2 "Or any additional cases as instructed by the head  
 3 of the [MBIS team] of ICU."  
 4 That is you yourself?  
 5 MR KU SIU PING: Yes.  
 6 MR VICTOR DAWES: Can I put it this way. Every month, how  
 7 many MBI3s have you received, it has nothing to do with  
 8 the number of checks conducted, every month the system  
 9 would select 16 cases for audit checks?  
 10 MR KU SIU PING: Correct.  
 11 MR VICTOR DAWES: Based on your experience, every month how  
 12 many such forms are received?  
 13 MR KU SIU PING: Let's refer to 2025 as an example. We  
 14 received 108 MBI3 or MBI4. Therefore, every month no  
 15 more than 16 forms.  
 16 MR VICTOR DAWES: Less than 16 cases for 10 months. While  
 17 you were the head of the team, in addition to the  
 18 16 cases sampled by the system, were there any  
 19 additional cases selected for audit checks?  
 20 MR KU SIU PING: No. We almost selected all cases.  
 21 MR VICTOR DAWES: Just now you mentioned the year 2025.  
 22 Let's take a look at I1-1, page 253. Years 2022, 2023  
 23 and 2024. Relevant information and data are set out  
 24 here.  
 25 MR KU SIU PING: Yes.

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1 MR VICTOR DAWES: I'd like you to explain to us, we can see  
 2 lot size, 10,000-odd cases. What are these?  
 3 MR KU SIU PING: This refers to all the forms including  
 4 MBI1, not just MBI3 and MBI4.  
 5 MR VICTOR DAWES: That is all the forms total 10,000?  
 6 MR KU SIU PING: Right.  
 7 MR VICTOR DAWES: And we can see minimum sample size to be  
 8 successfully conducted, 315. Every year 315?  
 9 MR KU SIU PING: Yes.  
 10 MR VICTOR DAWES: And that is the standard?  
 11 MR KU SIU PING: 315, it refers to the figure of the  
 12 Buildings Department, not under us.  
 13 MR VICTOR DAWES: Understood. So you mean most of the cases  
 14 were not under you?  
 15 MR KU SIU PING: Correct.  
 16 MR VICTOR DAWES: And as we can see, every month 16 cases,  
 17 that is the standard. Who set the standard of 16 cases?  
 18 MR KU SIU PING: When we set up the MBIS team, this standard  
 19 was set. As the team has a small staff size, we want  
 20 the workload to be more stable.  
 21 MR VICTOR DAWES: So that's the business of your manpower  
 22 and resources?  
 23 MR KU SIU PING: Yes.  
 24 MR VICTOR DAWES: So 16 per month. However many  
 25 submissions, you would sample 16. You have communicated

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<p>1 with them?</p> <p>2 MR KU SIU PING: On record, yes. But I'm not sure because</p> <p>3 it's been some time now.</p> <p>4 MR VICTOR DAWES: Let's have a look at the audit check, what</p> <p>5 does it entail. First statement, paragraph 30. There</p> <p>6 seem to be two steps, document audit and also site</p> <p>7 audit. In paragraph 30 you mention 16 samples,</p> <p>8 one-third, about five or six cases would involve a site</p> <p>9 visit. For the others, there would be a document audit?</p> <p>10 MR KU SIU PING: Yes.</p> <p>11 MR VICTOR DAWES: For site audit you would go down to the</p> <p>12 site and have a look at the building to see whether they</p> <p>13 are consistent with the report. According to your</p> <p>14 statement, in terms of document audit, you would assess</p> <p>15 whether the RI's assessment method is in order. So in</p> <p>16 absence of any site audit, if you're just looking at the</p> <p>17 report, you would not know whether the work proposed by</p> <p>18 the RI is necessary; is that correct?</p> <p>19 MR KU SIU PING: If we do not conduct a site visit, we would</p> <p>20 not see the defects. They are not included in the</p> <p>21 report.</p> <p>22 MR VICTOR DAWES: Yes, of course, if you only look at the</p> <p>23 report and not go for a site visit, you would not know</p> <p>24 whether there are certain things that need to be</p> <p>25 covered, and the other thing you can't see is there are</p>	<p>1 Page 4896. In evidential hearing we have explored</p> <p>2 these items. The report says that the FS tanks, if they</p> <p>3 are defective, those that are marked with a tick have to</p> <p>4 be repaired.</p> <p>5 Page 4861 also refers to this.</p> <p>6 The defective ones. Page 4898 covers all these</p> <p>7 items. Items 2 and 3, the rebars, the screws, they are</p> <p>8 rusty and corrosion. Basically, they're talking about</p> <p>9 this. You can see this?</p> <p>10 MR KU SIU PING: Yes.</p> <p>11 MR VICTOR DAWES: I want your assistance. There is an audit</p> <p>12 checklist in the same bundle. That's Wang Tai House,</p> <p>13 block E. Let's shrink it down a little bit.</p> <p>14 Every time an inspection takes place you have to</p> <p>15 fill out this form?</p> <p>16 MR KU SIU PING: Yes.</p> <p>17 MR VICTOR DAWES: This is a straightforward form. The</p> <p>18 document audit, part 1, that's the document audit. The</p> <p>19 ICU colleagues will examine whether the information is</p> <p>20 in order, like the inspection coverage. Item 5, the</p> <p>21 scope of inspection. Item 4, the method statement</p> <p>22 adopted by the RI, whether it is generally appropriate.</p> <p>23 And please refer to note 3 where it says that apart</p> <p>24 from visual inspection other methods like</p> <p>25 hammer-tapping, infrared thermography, this is your</p>
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<p>1 things that do not need to be fixed that are proposed to</p> <p>2 be fixed.</p> <p>3 MR KU SIU PING: In the report, if they want to fix certain</p> <p>4 things, they would mention it in the report. Like</p> <p>5 Wang Fuk Court, they propose that the windows be</p> <p>6 converted into fire-resistant windows.</p> <p>7 MR VICTOR DAWES: If they mention that, you would see it.</p> <p>8 But if they don't mention that, you wouldn't see that,</p> <p>9 even on site?</p> <p>10 MR KU SIU PING: Yes.</p> <p>11 MR VICTOR DAWES: So if you do not conduct a site visit,</p> <p>12 merely a document audit, you would rely on the RI for</p> <p>13 the accuracy?</p> <p>14 MR KU SIU PING: Yes.</p> <p>15 MR VICTOR DAWES: In Wang Fuk Court block E, Wang Tai House,</p> <p>16 that has been sampled for an audit check and that would</p> <p>17 involve audit check, site audit and document audit;</p> <p>18 paragraph 34 refers to this.</p> <p>19 Wang Tai House, if you look at I1-3/4740, that's</p> <p>20 where the report is. Please refer to page 4751,</p> <p>21 paragraph 7.2, item (iv). Will Power says that the</p> <p>22 repair involves the windows at the staircases that</p> <p>23 didn't measure up to the fire requirements. All these</p> <p>24 window panes would have to measure up to the fire</p> <p>25 retardancy requirements.</p>	<p>1 practice, is that right, according to the paper? For</p> <p>2 document audit, that's what we've covered.</p> <p>3 Let's turn to the site audit, item 11. Part II,</p> <p>4 paragraph 11, the colleagues would have to look at the</p> <p>5 defects and see whether they are consistent with the RI</p> <p>6 report. "Generally in agreement with", what does it</p> <p>7 mean?</p> <p>8 MR KU SIU PING: We will look at the inspection report and</p> <p>9 go down to the site with it and compare with the</p> <p>10 details, whether there is any discrepancy. If there are</p> <p>11 no discrepancies, then we would accept the report.</p> <p>12 MR VICTOR DAWES: There are some photos attached.</p> <p>13 Appendix 3. You would take photos of important scenes?</p> <p>14 MR KU SIU PING: Yes, for record.</p> <p>15 MR VICTOR DAWES: The ICU would visually inspect the defects</p> <p>16 to see whether they are consistent with the report?</p> <p>17 MR KU SIU PING: Yes.</p> <p>18 MR VICTOR DAWES: So you would not conduct any testing</p> <p>19 yourself, just conduct visual inspection?</p> <p>20 MR KU SIU PING: Yes.</p> <p>21 MR VICTOR DAWES: I show you all these photos. I understand</p> <p>22 that you would not take photos of everything you saw,</p> <p>23 but there are certain items for repair like the FS tank,</p> <p>24 whether they are rusty like in Wang Tai House, and there</p> <p>25 are no photos. The reason is you do not check every</p>

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<p>1 single item, is it fair to say that?</p> <p>2 MR KU SIU PING: Yes.</p> <p>3 MR VICTOR DAWES: So it's just -- you have general</p> <p>4 observation?</p> <p>5 MR KU SIU PING: Let me supplement here. We sample a block</p> <p>6 for site audit; we would not check everything. So,</p> <p>7 according to our practice, we would look at a floor</p> <p>8 under the roof, a floor in the middle and a lower floor.</p> <p>9 We pick certain floors for inspection. We do not check</p> <p>10 every single floor.</p> <p>11 MR VICTOR DAWES: So the report covers certain items.</p> <p>12 You would pick certain items for inspection, you would</p> <p>13 not check everything. Is it fair to say that?</p> <p>14 MR KU SIU PING: Yes.</p> <p>15 MR VICTOR DAWES: In this inspection report, it scored</p> <p>16 a pass after the site visit. There were no problems at</p> <p>17 that time.</p> <p>18 MR KU SIU PING: Yes.</p> <p>19 MR VICTOR DAWES: In the light of your experience, you've</p> <p>20 been in the ICU twice, after a site visit, how often do</p> <p>21 you not give a pass? If just have a casual look, you</p> <p>22 don't spot much that is not in order.</p> <p>23 MR KU SIU PING: We conduct site visit, we may pick up</p> <p>24 certain things that are not included in the report.</p> <p>25 We would get in touch with the RI for rectification. It</p>	<p>1 MR KU SIU PING: No.</p> <p>2 MR VICTOR DAWES: But your understanding that -- you served</p> <p>3 ICU twice, there are not many differences.</p> <p>4 MR KU SIU PING: It is different in that in my first stint</p> <p>5 in the ICU, for major renovations, we would pick the</p> <p>6 blocks, but there is a long time gap between the first</p> <p>7 selection to the actual work. In my second stint in the</p> <p>8 ICU, things have changed.</p> <p>9 MR VICTOR DAWES: Can you tell us -- the reason I ask,</p> <p>10 because your statement seems to be saying 16 would be</p> <p>11 enough, you have dozens of MBI3 each month; right?</p> <p>12 MR KU SIU PING: Yes.</p> <p>13 MR VICTOR DAWES: For your first stint in the ICU, how many?</p> <p>14 MR KU SIU PING: There were more in my first stint.</p> <p>15 MR VICTOR DAWES: You were there until 2018. MBI3 in</p> <p>16 Wang Fuk Court, it was 2019, it was close to your first</p> <p>17 stint. There were not 16 or a dozen, there were more at</p> <p>18 that time?</p> <p>19 MR KU SIU PING: Yes, there were more.</p> <p>20 MR VICTOR DAWES: Let's go back to that time period. There</p> <p>21 are eight from Wang Fuk Court and you just picked one</p> <p>22 for audit. So you're not covering all of them.</p> <p>23 MR KU SIU PING: Right.</p> <p>24 MR VICTOR DAWES: So in a housing estate you just covered</p> <p>25 one-eighth, so 16 per month, that comprises a small</p>
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<p>1 did happen.</p> <p>2 MR VICTOR DAWES: Before I move away from this subject, you</p> <p>3 seem to be saying that MBI3, each month you received</p> <p>4 quite a lot, so you would cover 16 sample reports.</p> <p>5 MR KU SIU PING: Yes. But let me explain here. For the</p> <p>6 MBIS, one document would cover the entire housing</p> <p>7 estate. The number may be small but the area would be</p> <p>8 vast.</p> <p>9 MR VICTOR DAWES: So this MBIS covers the entire Wang Fuk</p> <p>10 Court, not a single block.</p> <p>11 MR KU SIU PING: Yes.</p> <p>12 MR VICTOR DAWES: The MBI3, would they have to split it</p> <p>13 individually, according to different blocks?</p> <p>14 MR KU SIU PING: The previous practice would be that there</p> <p>15 would be one notice for each block. Now we have changed</p> <p>16 the way.</p> <p>17 MR VICTOR DAWES: Let's not mix up the present and the past.</p> <p>18 I would like to know about the present, but later.</p> <p>19 Let's look at Wang Fuk Court 2019. MBI3, they have to</p> <p>20 submit the form individually for each block. There are</p> <p>21 16 audits. You said that there are not that many MBI3</p> <p>22 received each month.</p> <p>23 MR KU SIU PING: In 2019, yes.</p> <p>24 MR VICTOR DAWES: In 2019 you were not part of the ICU, were</p> <p>25 you?</p>	<p>1 fraction of all these renovated blocks. So you cannot</p> <p>2 say that you were covering all the MBI3 inspections each</p> <p>3 month.</p> <p>4 MR KU SIU PING: At that time, yes, but not today.</p> <p>5 MR VICTOR DAWES: Let's not talk about today. Let's talk</p> <p>6 about then. Let's not mix the two up because I want to</p> <p>7 be fair to you.</p> <p>8 So each month, when you have 16 inspections and you</p> <p>9 can only cover a fraction. Take Wang Fuk Court. It</p> <p>10 covers one-eighth or less than one-eighth.</p> <p>11 MR KU SIU PING: Yes.</p> <p>12 MR VICTOR DAWES: Appreciate the manpower is -- you have to</p> <p>13 rely on the RI so it is important to supervise the RI.</p> <p>14 MR KU SIU PING: Yes.</p> <p>15 MR VICTOR DAWES: The supervisory role of the ICU, Ms Cheung</p> <p>16 Yuk Ching from the BD said in her statement, Day 20,</p> <p>17 pages 12 to 13, for HOS, the supervision of RI and RC,</p> <p>18 whether they fulfilled their different phase obligation,</p> <p>19 it is the responsibility of the ICU. Do you agree?</p> <p>20 MR KU SIU PING: Yes.</p> <p>21 MR VICTOR DAWES: For RI and RC disciplinary action and</p> <p>22 complaints, you would conduct the investigation before</p> <p>23 handing the report to the BD?</p> <p>24 MR KU SIU PING: Yes.</p> <p>25 MR VICTOR DAWES: Such being the case, in your first</p>

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<p>1 statement, you made it very clear. Let's turn to                  2 paragraph 43. Please assist us. You said in                  3 paragraph 43:                  4 "Under the MBIS regime, there is no statutory                  5 requirement for the ICU to supervise and conduct                  6 regular/ad hoc inspections of works."                  7 So ICU does not have the statutory obligation to                  8 supervise or conduct the inspection of works. Is it                  9 your understanding?                  10 MR KU SIU PING: Yes. But if I may supplement a little bit.                  11 MR VICTOR DAWES: You have already done so in your                  12 statement. I will let you do so after reading this.                  13 In your third statement, paragraph 70, you have                  14 offered an explanation there. There's a site monitoring                  15 team, SMT. On the next page:                  16 "... is responsible for conducting site monitoring                  17 mainly of works of new buildings, demolition and                  18 addition and alteration ('A&amp;A') ..."                  19 MR KU SIU PING: Right.                  20 MR VICTOR DAWES: So this team is responsible for the new                  21 buildings, demolition and A&amp;A works?                  22 MR KU SIU PING: Yes.                  23 MR VICTOR DAWES: So that must be declared before commence                  24 of work and that has to be pre-approved?                  25 MR KU SIU PING: Yes.</p>	<p>1 that:                  2 "Given the RI's responsibility to ensure compliance                  3 of the materials with the relevant standards, there is                  4 no separate or additional requirement to seek approval                  5 from the ICU regarding the choice ... of ... materials."                  6 MR KU SIU PING: Yes.                  7 MR VICTOR DAWES: "Further, in line with BD's practice, the                  8 ICU does not verify and certify building materials or                  9 carry out sample testing and periodical checks on the                  10 building materials used."                  11 MR KU SIU PING: Right.                  12 MR VICTOR DAWES: Or carry out sample testing and periodical                  13 checks on the building materials, that is to conduct                  14 testing and periodic checks to see if materials comply                  15 with the requirements. That's not your work?                  16 MR KU SIU PING: If you're talking about temporary                  17 materials, right.                  18 MR VICTOR DAWES: It doesn't specify whether it is for                  19 temporary use or not. From the wording of this                  20 paragraph, it applies to all types? I just want to see                  21 what you mean.                  22 MR KU SIU PING: Well, this is about temporary materials.                  23 There is no need to make submissions for our approval.                  24 MR VICTOR DAWES: So whether it's temporary or not, it's not                  25 under your purview; right?</p>
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<p>1 MR VICTOR DAWES: It's not the same as minor works.                  2 MR KU SIU PING: Right.                  3 MR VICTOR DAWES: So this site monitoring work, in terms of                  4 minor works, they don't have any role; is that right?                  5 MR KU SIU PING: It depends on the kind of works. For MBIS,                  6 after notice has been issued, there may be some A&amp;A                  7 works to be undertaken. They have to follow the                  8 procedures.                  9 MR VICTOR DAWES: If there are A&amp;A works, that would be                  10 covered in these paragraph. But if there are minor                  11 works, no A&amp;A, they've got no role there. Is it fair to                  12 say that?                  13 MR KU SIU PING: Yes.                  14 MR VICTOR DAWES: Is it right to say this: they must go to                  15 the site to have a look at the SMT?                  16 MR KU SIU PING: Before the fire, yes.                  17 MR VICTOR DAWES: Document review, would they also look at                  18 that?                  19 MR KU SIU PING: You mean MTIST?                  20 MR VICTOR DAWES: Yes.                  21 MR KU SIU PING: No.                  22 MR VICTOR DAWES: I will examine this with you later on                  23 because there may be some other scenarios.                  24 Let's focus on your understanding of the ICU.                  25 Paragraph 47 of your first statement makes it very clear</p>	<p>1 MR KU SIU PING: If it is not temporary materials and if it                  2 is minor works or A&amp;A works, it will be a different                  3 portfolio.                  4 MR VICTOR DAWES: I'm talking about ICU here. ICU has no                  5 involvement in this regard.                  6 MR KU SIU PING: Yes. Permanent materials will have to                  7 comply with a standard, say, for example, minor works or                  8 A&amp;A works.                  9 MR VICTOR DAWES: I understand. I'm looking into your role.                  10 I am not asking who's responsible for what, your team.                  11 MR KU SIU PING: When it comes to material, it's not under                  12 the purview of our team.                  13 MR VICTOR DAWES: Let's just check to see if your                  14 understanding is correct. But ICU is involved in                  15 something as well. Paragraph 44. When it comes to                  16 complaints or enquiries, if ICU has doubts or questions,                  17 you said here, if ICU "comes across any enquiry or                  18 complaint which casts doubt on whether there has been                  19 non-compliance, it would remind the RI to ensure                  20 compliance."                  21 That means if you receive complaints, then you would                  22 remind the RI to ensure compliance; is that right?                  23 MR KU SIU PING: Right.                  24 MR VICTOR DAWES: So when you see anything that is                  25 non-compliant, you would talk to the RI?</p>

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<p>1 MR KU SIU PING: It depends on the complaint.</p> <p>2 MR VICTOR DAWES: In other words, you don't always remind</p> <p>3 the RI. Sometimes you use other ways.</p> <p>4 MR KU SIU PING: Right.</p> <p>5 MR VICTOR DAWES: We have seen this in the hearing many</p> <p>6 times. There is section 16 of Building (Construction)</p> <p>7 Regulation requiring contractors to use a suitable</p> <p>8 process and steps and take suitable precautionary</p> <p>9 measures. I'm sure you're very familiar with that.</p> <p>10 MR KU SIU PING: Yes.</p> <p>11 MR VICTOR DAWES: When it comes to materials, if the method</p> <p>12 statement is in contravention of section 16 or if the</p> <p>13 steps or process is in contravention of section 16, do</p> <p>14 you have the role of supervision in this regard?</p> <p>15 MR KU SIU PING: Right.</p> <p>16 MR VICTOR DAWES: So when it comes to minor works, say in</p> <p>17 the case of Wang Fuk Court, the supervisory role sits</p> <p>18 with the ICU; is that right?</p> <p>19 MR KU SIU PING: Yes.</p> <p>20 MR VICTOR DAWES: Now I move on to a topic close to our</p> <p>21 hearts. Let's see if you agree that it is your duty.</p> <p>22 First, we know that there were access openings in</p> <p>23 the rear staircase. Whether the access openings</p> <p>24 contravene section 16, that's under your purview, the</p> <p>25 ICU; right?</p>	<p>1 right?</p> <p>2 MR KU SIU PING: Yes.</p> <p>3 MR VICTOR DAWES: In relation to precautionary measures</p> <p>4 required by the Buildings Department, you understand</p> <p>5 that there are circular letters as well as practice</p> <p>6 notes, say, for example, requirements relating to</p> <p>7 scaffoldings and cover. So to see if the standards</p> <p>8 under code, practice notes are complied with, it is your</p> <p>9 purview as well?</p> <p>10 MR KU SIU PING: It is within our scope of duty.</p> <p>11 MR VICTOR DAWES: We have gone through the process of your</p> <p>12 audit. In most cases you will only conduct site</p> <p>13 inspection when you receive a complaint. Otherwise, it</p> <p>14 will be a documentary check; right?</p> <p>15 MR KU SIU PING: Right.</p> <p>16 MR VICTOR DAWES: A documentary audit will not enable you to</p> <p>17 spot whether the construction method is compliant or</p> <p>18 not; you can't tell from a documentary check.</p> <p>19 MR KU SIU PING: There will be a repair proposal but you</p> <p>20 won't be able to tell whether it's actually done.</p> <p>21 MR VICTOR DAWES: Right. You rely on the RI?</p> <p>22 MR KU SIU PING: Right.</p> <p>23 MR VICTOR DAWES: Under the system?</p> <p>24 MR KU SIU PING: Yes.</p> <p>25 MR VICTOR DAWES: We're talking about the system. Under the</p>
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<p>1 MR KU SIU PING: Right.</p> <p>2 MR VICTOR DAWES: Using foam boards to cover windows,</p> <p>3 whether it is contravention of section 16 is the ICU's</p> <p>4 purview?</p> <p>5 MR KU SIU PING: Yes.</p> <p>6 MR VICTOR DAWES: Risks brought by scaffolding nets is also</p> <p>7 your duty?</p> <p>8 MR KU SIU PING: Right.</p> <p>9 MR VICTOR DAWES: In relation to passive FSIs, whether they</p> <p>10 are up to standard, whether there was any damage to the</p> <p>11 fire-rated doors, whether it's effective in a fire, it's</p> <p>12 also your duty?</p> <p>13 MR KU SIU PING: Right.</p> <p>14 MR VICTOR DAWES: Safety of scaffolding, if it poses risks,</p> <p>15 that's also under your purview; is that right?</p> <p>16 MR KU SIU PING: Right.</p> <p>17 MR VICTOR DAWES: If you spot non-compliance, one of those</p> <p>18 that I've listed, is this the way to proceed: sometimes</p> <p>19 you would remind RIs; for the issues raised by</p> <p>20 residents, they've done some and not the others. Right?</p> <p>21 MR KU SIU PING: Right.</p> <p>22 MR VICTOR DAWES: If there is a contravention of section 16,</p> <p>23 if prosecution actions or follow-up actions were</p> <p>24 necessary, then you would first conduct enquiries before</p> <p>25 you hand over the case to the Buildings Department;</p>	<p>1 system at that time, if the RI and the contractor did</p> <p>2 not follow the report in carrying out the works,</p> <p>3 you would not be able to spot it; is that right?</p> <p>4 MR KU SIU PING: That is right. Under the system at that</p> <p>5 time.</p> <p>6 MR VICTOR DAWES: You only carry out a site inspection upon</p> <p>7 receipt of complaints, mostly from residents?</p> <p>8 MR KU SIU PING: Right.</p> <p>9 MR VICTOR DAWES: That means under the then system, the</p> <p>10 supervisory duty of the work of RI was with residents?</p> <p>11 MR KU SIU PING: Well, there is a system under which the RI</p> <p>12 would monitor the work of the contractors. Residents</p> <p>13 engage an RI to do the work.</p> <p>14 MR VICTOR DAWES: Do you agree that someone should be there</p> <p>15 to monitor the work of the RI?</p> <p>16 MR KU SIU PING: I agree. But I'd like to also add that the</p> <p>17 design of the MBIS is for us to monitor the RI at two</p> <p>18 points in time. One is the report, the other one is the</p> <p>19 completion.</p> <p>20 MR VICTOR DAWES: So when it comes to the construction</p> <p>21 process, regardless of how long it was, there's no one</p> <p>22 to monitor the RI.</p> <p>23 MR KU SIU PING: Under the system, right.</p> <p>24 MR VICTOR DAWES: So the ones to monitor the RI would be the</p> <p>25 residents because they live there?</p>

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1 MR KU SIU PING: Well, perhaps we need to put it this way.  
 2 The residents employ the RI and there was a contract.  
 3 MR VICTOR DAWES: Let me give you an example to illustrate  
 4 the problem. No one made a direct complaint to you  
 5 about the access openings at the stairs, hence ICU was  
 6 not aware of the problem; right?  
 7 MR KU SIU PING: Right.  
 8 MR VICTOR DAWES: The ICU conducted inspection at Wang Fuk  
 9 Court but they did not go to the staircase, because they  
 10 would have spotted it otherwise?  
 11 MR KU SIU PING: That's right. Let me also add that the  
 12 MBIS team would carry out inspections upon receipt of an  
 13 inspection so it's not about the entire complex.  
 14 MR VICTOR DAWES: So you would not know unless someone made  
 15 a complaint about it?  
 16 MR KU SIU PING: Correct.  
 17 MR VICTOR DAWES: ICU did not regularly or on their own  
 18 volition check the works under the MBIS. They only took  
 19 action upon receipt of a complaint. The system is  
 20 designed in a way that it relied on the discipline of  
 21 the RI and the contractor and the supervision of the RI;  
 22 right?  
 23 MR KU SIU PING: Right.  
 24 MR VICTOR DAWES: You agree that the role of the RI is very  
 25 important?

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1 MR KU SIU PING: Right.  
 2 MR VICTOR DAWES: However, when it comes to appointment of  
 3 the RI, the ICU did not play a role?  
 4 MR KU SIU PING: Right.  
 5 MR VICTOR DAWES: ICU did not vet the qualification,  
 6 integrity, reliability of the RI; paragraphs 16 and 17  
 7 of your first witness statement said that.  
 8 MR KU SIU PING: Right.  
 9 MR VICTOR DAWES: If the ICU was not in charge of  
 10 supervising RI, then who was in charge of supervising  
 11 the integrity, reliability, qualification of the RI?  
 12 MR KU SIU PING: The RIs are registered with the BD. They  
 13 are professionals. So they have responsibilities. That  
 14 comes with that. When it comes to a tender, there is  
 15 the Smart Tender of the URA.  
 16 MR VICTOR DAWES: So you rely on the Smart Tender?  
 17 MR KU SIU PING: Well, the tender process, when it comes to  
 18 the tender process, there is the Smart Tender. And also  
 19 perhaps there is also the district office or the Home  
 20 Affairs Department and the owners' corporation.  
 21 MR VICTOR DAWES: We want to see if there are problems with  
 22 the system and see if there is any room for improvement.  
 23 Paragraph 12 of your first statement, let's refer to  
 24 it. There is one thing we know about this case: RI is  
 25 an individual, not a company.

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1 MR KU SIU PING: Right.  
 2 MR VICTOR DAWES: You won't appoint a company as an RI, so  
 3 it's a person that does the supervision. In September  
 4 2024 the ICU learned from a complaint that the original  
 5 RI, Mr Shum, had passed away.  
 6 MR KU SIU PING: Right.  
 7 MR VICTOR DAWES: You knew when he passed away; right?  
 8 MR KU SIU PING: Not at that time.  
 9 MR VICTOR DAWES: Let's go to O2, page 831. We've seen this  
 10 in the hearing. I checked who made a complaint and who  
 11 found that Mr Shum had passed away. It's information on  
 12 internet. In July 2022 Mr Shum passed away. You only  
 13 knew two years later that the RI was no longer there, so  
 14 it's impossible for the ICU to have any communications  
 15 with the RI -- sorry, I withdraw the question. It's  
 16 meaningless.  
 17 Upon learning the fact that Mr Shum had passed away,  
 18 you had actually taken action. On 13 September 2024 you  
 19 asked for an explanation. Let's go to I1-4, page 8778.  
 20 It's an email from Ms Lau. It says here that she is  
 21 writing to remind Will Power for a change of registered  
 22 inspector.  
 23 Let's go down a bit. It talks about a telephone  
 24 conversation and the fact that Mr Shum has passed away,  
 25 requiring a change of RI. So she asks for MBI1. Let's

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1 minimise it and go down. Higher up.  
 2 Here it says that Will Power has submitted the form.  
 3 Let's go to the previous page.  
 4 She chased for it. On 13 and 23 September she  
 5 chased for the submission and now it's 8 October. Let's  
 6 look at the bottom of page 8777. 8776, actually. Down,  
 7 the first paragraph on page 8777, it says:  
 8 "It is important to highlight that repair works have  
 9 been ongoing at the site since June 2024 ... we  
 10 emphasise that the RI has statutory responsibilities as  
 11 outlined in the Building Ordinance ... and its  
 12 subsidiary regulations ... these statutory  
 13 responsibilities ... providing proper supervision of the  
 14 building repair works ... additionally RIs must ensure  
 15 that the repair and materials used comply with the  
 16 provisions of the BO. RIs must ensure that the building  
 17 under supervision is safe and has been rendered safe."  
 18 Ms Lau reminded them the responsibility of the RI.  
 19 Shrink it a bit. The previous page, 8776. On  
 20 8 October an email was sent. And then further up, on  
 21 9 October she chased them. She chased them a number of  
 22 times about the change of RI.  
 23 Ms Lau, most importantly, on page 8776, says:  
 24 "In this regard no prescribed work should be carried  
 25 out before the RI is formally appointed."

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1 So unless an RI is formally appointed, no work  
 2 should be carried out. That's the record at that time  
 3 copied to you; right?  
 4 MR KU SIU PING: Right.  
 5 MR VICTOR DAWES: Am I right to put it this way: it's not  
 6 something common, to find that the RI has passed away  
 7 two years later, so you must remember it. You would not  
 8 know that the RI had passed away.  
 9 MR KU SIU PING: Right.  
 10 MR VICTOR DAWES: Because no one told you, the company did  
 11 not tell you. That itself is a problem?  
 12 MR KU SIU PING: Right.  
 13 MR VICTOR DAWES: You learned about the passing away of the  
 14 RI because of complaint?  
 15 MR KU SIU PING: Yes.  
 16 MR VICTOR DAWES: From residents?  
 17 MR KU SIU PING: Yes. We tried to reach out to Mr William  
 18 Shum in relation to complaint and we learned about that  
 19 on 23 September.  
 20 MR VICTOR DAWES: So you were reaching out to the RI and  
 21 found that he has passed away, that means you have not  
 22 tried to communicate with the RI for at least two years?  
 23 MR KU SIU PING: Right.  
 24 THE HON MR JUSTICE DAVID LOK: The RI was absent for two  
 25 years. Did you carry out any inspections on your own

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1 volition?  
 2 MR KU SIU PING: For Wang Fuk Court, the works started in  
 3 September 2024. From the time when Mr Shum passed away  
 4 to July 2024, there was nothing done. So whether there  
 5 was an RI had no impact.  
 6 MR VICTOR DAWES: No actual work has started, but on record  
 7 he was still the RI.  
 8 MR KU SIU PING: Yes.  
 9 MR VICTOR DAWES: The RI was involved in advance work;  
 10 right?  
 11 MR KU SIU PING: Right.  
 12 MR VICTOR DAWES: I'd like you to go over the explanation  
 13 given to you. Please refer to I1-2, page 1839.  
 14 Just below the signature, the registered inspector  
 15 of the housing estate above already passed away. Then  
 16 the project has been given to another RI, Mr Ng Yeuk,  
 17 for follow-up. It seems that there was seamless  
 18 transition. As you said just now, it was found that the  
 19 RI had passed away and it was the first time you have  
 20 seen this.  
 21 I'd like to ask, after becoming aware of this, you  
 22 didn't ask any related questions such as when the RI  
 23 passed away. It seems that you have not asked these  
 24 questions at all; is it correct?  
 25 MR KU SIU PING: Correct.

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1 MR VICTOR DAWES: And what is even more suspicious is that  
 2 you have urged them many times, and it was only after  
 3 your urging that they told you about Mr Ng Yeuk?  
 4 MR KU SIU PING: Correct.  
 5 MR VICTOR DAWES: At that time you didn't find it  
 6 suspicious?  
 7 MR KU SIU PING: At that time I myself didn't know when  
 8 Mr William Shum passed away. At that time the focus is  
 9 that a new RI could take up the work as the works at  
 10 Wang Fuk Court had already started, so a new RI was  
 11 needed to carry out the monitoring role. That was our  
 12 focus.  
 13 MR VICTOR DAWES: I understand. An RI is very important and  
 14 I believe you agree.  
 15 MR KU SIU PING: Right.  
 16 MR VICTOR DAWES: As set out in Ms Amanda Lau's emails;  
 17 right?  
 18 MR KU SIU PING: Yes.  
 19 MR VICTOR DAWES: That's why when you have urged them for  
 20 many times before they told you about Mr Ng Yeuk, on  
 21 this basis, didn't you feel that there was no need at  
 22 all to ask such questions? Is that your position?  
 23 MR KU SIU PING: At that time, when we knew that there was  
 24 a new RI and when we knew the works at Wang Fuk Court  
 25 commenced on 16 July, at that time we were in the middle

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1 of the preparations. In addition to MBIS works at  
 2 Wang Fuk Court, there were also other works that were  
 3 not under the MBIS and at that time we reminded them.  
 4 Before a new RI was appointed, no prescribed repair  
 5 works could be conducted, so at least for the works  
 6 conducted they would not be non-compliant, as they could  
 7 not be prescribed repair works and that was our focus.  
 8 MR VICTOR DAWES: Quality, credibility, reliability of the  
 9 RI, you said that you did not monitor this?  
 10 MR KU SIU PING: Based on the system.  
 11 MR VICTOR DAWES: Right. There was no supervision but an RI  
 12 passed away and you had to urge them many times before  
 13 they provided you with the information of Mr Ng Yeuk.  
 14 You said that there were many works and you didn't feel  
 15 any need to ask questions; is that correct?  
 16 MR KU SIU PING: Well, based on our understanding, such as  
 17 scaffolding works, it did not involve any prescribed  
 18 repair works.  
 19 MR VICTOR DAWES: Well, scaffolding was very important too.  
 20 MR KU SIU PING: Yes.  
 21 MR VICTOR DAWES: Each procedure comes with its own risks  
 22 and issues.  
 23 MR KU SIU PING: Yes.  
 24 MR VICTOR DAWES: But it didn't affect the importance of  
 25 having an RI; right? An RI is important.

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<p>1 MR KU SIU PING: Yes.</p> <p>2 MR VICTOR DAWES: WS2/1298, please go to this page.</p> <p>3 Page 1298. For the sake of convenience I will take you</p> <p>4 through this list. This is a document obtained from the</p> <p>5 Companies Registry. I understand you have not taken</p> <p>6 a look at it but I'd like to explore with you where the</p> <p>7 problem lies. In 2022 -- and you can see Mr Wong Hap</p> <p>8 Yin and Mr Shum Kui Chung. Mr Shum was the RI, whereas</p> <p>9 Mr Wong was not a registered person.</p> <p>10 MR KU SIU PING: Right.</p> <p>11 MR VICTOR DAWES: On the right we can see that Mr Shum Kui</p> <p>12 Chung passed away on 15 July 2022. And then we can see</p> <p>13 down the road, year 2023, a new role appeared. Mr Chan</p> <p>14 Siu Wah, Hardy; you see that?</p> <p>15 MR KU SIU PING: Yes.</p> <p>16 MR VICTOR DAWES: After Mr Shum passed away, he become</p> <p>17 a director. He became an RI. In February 2023 he was</p> <p>18 appointed a director. Several months later, that is</p> <p>19 around 10 months later, he left, and, then he</p> <p>20 transferred the shares to Mr Ng Yeuk. You see that?</p> <p>21 MR KU SIU PING: Yes.</p> <p>22 MR VICTOR DAWES: On 12 December 2023, that is when Mr Chan</p> <p>23 ceased to be a director, it was only at that time that</p> <p>24 Mr Ng Yeuk appeared. You see that?</p> <p>25 MR KU SIU PING: Yes.</p>	<p>1 as letters and emails, we sent these emails and</p> <p>2 correspondence to Mr Ng.</p> <p>3 MR VICTOR DAWES: Well, pardon me. Yes, you did. Let's</p> <p>4 refer to II-4, page 8753. Ms Amanda Lau wrote to Mr Ng</p> <p>5 Yeuk, registered inspector, and that is the email you</p> <p>6 refer to; is that correct?</p> <p>7 MR KU SIU PING: Yes.</p> <p>8 MR VICTOR DAWES: I'd like to ask whether he had replied to</p> <p>9 you?</p> <p>10 MR KU SIU PING: Based on my impression, no.</p> <p>11 MR VICTOR DAWES: Let's move on to page 8752. Every time</p> <p>12 you tried to communicate with Mr Ng, it was another one</p> <p>13 who replied to you, Mr Jason Wong:</p> <p>14 "Please be notified that our RI Mr Ng is not</p> <p>15 available on 28 October, but he can assign</p> <p>16 representative to conduct site walk ..."</p> <p>17 When you tried to make arrangement with Mr Ng, it</p> <p>18 was said that he was not available. You have not</p> <p>19 received any reply sent by Mr Ng to you; is that</p> <p>20 correct?</p> <p>21 MR KU SIU PING: Correct.</p> <p>22 MR VICTOR DAWES: RI is not a company, it's an individual.</p> <p>23 You did not have any direct communication with Mr Ng.</p> <p>24 Do you think there are any issues?</p> <p>25 MR KU SIU PING: At that time, emails were sent to Mr Ng</p>
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<p>1 MR VICTOR DAWES: This information is obtained from public</p> <p>2 information, that is information in the public domain.</p> <p>3 It seems from the facts we have reason to believe,</p> <p>4 first of all, Will Power cheated you; Mr Shum did not</p> <p>5 transfer immediately to Mr Ng Yeuk. In some periods of</p> <p>6 time there wasn't any RI and there was another RI in</p> <p>7 some periods of time, but they did not notify you; is</p> <p>8 that correct?</p> <p>9 MR KU SIU PING: Correct.</p> <p>10 MR VICTOR DAWES: As we can see, they did not submit MBII</p> <p>11 form.</p> <p>12 MR KU SIU PING: Correct.</p> <p>13 MR VICTOR DAWES: And what they told you was factually</p> <p>14 incorrect, not reliable. And you did not come to</p> <p>15 realise it nor did you ask any questions. Can I put it</p> <p>16 this way, under the mechanism back then, you would not</p> <p>17 ask such questions, you would only be concerned about</p> <p>18 whether an MBII form had been submitted; is that</p> <p>19 correct?</p> <p>20 MR KU SIU PING: Yes.</p> <p>21 MR VICTOR DAWES: It seems ICU has not met with Mr Ng Yeuk.</p> <p>22 MR KU SIU PING: Correct.</p> <p>23 MR VICTOR DAWES: Nor have you tried to get a hold of Mr Ng;</p> <p>24 is that correct?</p> <p>25 MR KU SIU PING: Well, we did. Formal correspondences such</p>	<p>1 Yeuk through the email address provided by Mr Ng. So to</p> <p>2 us at that time, formal documents had already been</p> <p>3 provided to Mr Ng.</p> <p>4 MR VICTOR DAWES: The email, do you mean</p> <p>5 info@wpsurveyors.com?</p> <p>6 MR KU SIU PING: Yes.</p> <p>7 MR VICTOR DAWES: That is the company email address?</p> <p>8 MR KU SIU PING: Yes.</p> <p>9 MR VICTOR DAWES: Section 30D of the Buildings Ordinance, do</p> <p>10 you know that it must be the RI that is responsible. It</p> <p>11 shouldn't be a company; is that correct?</p> <p>12 MR KU SIU PING: Correct.</p> <p>13 MR VICTOR DAWES: You just now said that RI is very</p> <p>14 important, and if there was no communication whatsoever,</p> <p>15 is this practice absurd?</p> <p>16 MR KU SIU PING: Under the MBIS from the start to the end of</p> <p>17 works, there is no requirement regarding regular</p> <p>18 inspections. It mainly targets complaints, about the</p> <p>19 handling of complaints. However, in some situations,</p> <p>20 from the start to end of works, no communication was</p> <p>21 made with the RI or the company. Take schools as an</p> <p>22 example. When works start, they don't need to inform us</p> <p>23 that that is the design of the system. Shopping malls,</p> <p>24 schools, after the submission and the receipt of the</p> <p>25 report, then contact was made with the staff member and</p>

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<p>1 that is the system.</p> <p>2 MR VICTOR DAWES: Based on the case at Wang Fuk Court, it's</p> <p>3 not just an ordinary situation. You did come into</p> <p>4 contact with the representative of the RI; it is not the</p> <p>5 case that there was no communication with RI at all.</p> <p>6 Mr Ng Yeuk appeared seamless transition after Mr William</p> <p>7 Shum, but you could never get a hold of Mr Ng. Another</p> <p>8 one replied on his behalf. You didn't find it</p> <p>9 problematic? No alarm was sounded at all?</p> <p>10 MR KU SIU PING: No. In the case of Wang Fuk Court, first</p> <p>11 of all, we tried to get a hold of Mr Ng Yeuk.</p> <p>12 MR VICTOR DAWES: I know. But he didn't reply.</p> <p>13 MR KU SIU PING: When we tried to get a hold of him we</p> <p>14 wanted to handle complaints and follow up on them. When</p> <p>15 we called the office and when we couldn't get a hold of</p> <p>16 Mr Ng, we would look for his representative, another</p> <p>17 gentleman. In order to handle complaints as soon as</p> <p>18 possible and follow up on them, we tried to get a hold</p> <p>19 of Mr Yeung.</p> <p>20 MR VICTOR DAWES: You did not have to have contact with RI,</p> <p>21 as long as another person replies to you, that would be</p> <p>22 okay. In this case, the RI is just a rubberstamp and</p> <p>23 you find it not problematic at all?</p> <p>24 MR KU SIU PING: Back then the system was that there is no</p> <p>25 vetting mechanism in place and we would not be able to</p>	<p>1 the renovation work in the buildings, whether they are</p> <p>2 reliable or good enough or whether they have integrity,</p> <p>3 you do not monitor.</p> <p>4 MR KU SIU PING: Under the MBIS, the design is such that it</p> <p>5 is a self-monitoring system. So at two points we would</p> <p>6 look at the performance. The first one is the</p> <p>7 completion of the inspection. There is an inspection</p> <p>8 report and then we will be sampling the inspection.</p> <p>9 The second point is, when the work is completed,</p> <p>10 they will submit a completion report. And there's</p> <p>11 another point where we would look at the issues</p> <p>12 highlighted in the inspection report, whether the works</p> <p>13 have been completed in accordance with that, and it is</p> <p>14 in this spirit that we have the system.</p> <p>15 In between, we don't have any inspection system.</p> <p>16 MR VICTOR DAWES: You would do something when there are</p> <p>17 complaints. So your supervision of them, would you</p> <p>18 agree with this, at different stages you should</p> <p>19 supervise the performance at every stage?</p> <p>20 MR KU SIU PING: I agree. If I may supplement here. Under</p> <p>21 the system, from the commencement to the completion,</p> <p>22 there are no inspection systems. Under the MBIS, they</p> <p>23 don't even have to notify us of the commencement until</p> <p>24 the completion. That's the whole design of the system.</p> <p>25 MR VICTOR DAWES: You have two stints at the ICU. You see</p>
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<p>1 realise that the RI has not discharged their duties.</p> <p>2 THE HON MR JUSTICE DAVID LOK: Is it an appropriate time to</p> <p>3 take a break?</p> <p>4 Mr Ku needs to testify for quite a long while today,</p> <p>5 so let's give him some more time. 15 minutes or</p> <p>6 20 minutes?</p> <p>7 MR KU SIU PING: 15 minutes is enough.</p> <p>8 THE HON MR JUSTICE DAVID LOK: We will adjourn for</p> <p>9 15 minutes.</p> <p>10 (11.33 am)</p> <p>11 (A short adjournment)</p> <p>12 (11.48 am)</p> <p>13 THE HON MR JUSTICE DAVID LOK: Please carry on.</p> <p>14 MR VICTOR DAWES: Mr Ku, before the break I took you through</p> <p>15 your statement, paragraphs 10 and 11. Paragraph 11, the</p> <p>16 last line:</p> <p>17 "The ICU has no particular role in reviewing or</p> <p>18 confirming the quality, reliability and integrity of</p> <p>19 consultants."</p> <p>20 In response to me you said that the RI's quality,</p> <p>21 reliability and the integrity fall outside your sphere.</p> <p>22 You also said that you have very little contact with the</p> <p>23 RI except on complaint from the form 1 until the last</p> <p>24 form and that's it.</p> <p>25 So my question is they played the monitoring role in</p>	<p>1 all these problems.</p> <p>2 MR KU SIU PING: Yes.</p> <p>3 MR VICTOR DAWES: The RIs are not really doing their job.</p> <p>4 Unless there are complaints, you wouldn't know.</p> <p>5 MR KU SIU PING: Right.</p> <p>6 MR VICTOR DAWES: If there are complaints by the residents,</p> <p>7 would you approach the RI? As long as someone there</p> <p>8 sorts the problem out, it would be okay?</p> <p>9 MR KU SIU PING: For the major renovation, other than the</p> <p>10 RI, we have --</p> <p>11 MR VICTOR DAWES: Answer my question first. Do you remember</p> <p>12 what I asked you? Let me repeat my question.</p> <p>13 MR KU SIU PING: Okay.</p> <p>14 MR VICTOR DAWES: If there are complaints by the residents,</p> <p>15 you wouldn't approach the RI, as long as someone in the</p> <p>16 company got it sorted out; right?</p> <p>17 MR KU SIU PING: Right.</p> <p>18 MR VICTOR DAWES: Let's turn to another subject. There is</p> <p>19 a subject. When you conduct inspection you would make</p> <p>20 prior contact with them. In your third statement,</p> <p>21 paragraphs 11 to 12, WS14. Shrink it down a little bit.</p> <p>22 Page 2131.</p> <p>23 I'd like to have a look at paragraph 11 first before</p> <p>24 I put the question to you.</p> <p>25 Yes. This is what you say. For the complaints, you</p>

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1 have to address the complaints and enquiries and this is  
 2 not site audit, so it is not like the surprise checks  
 3 conducted by other law enforcement agents, so you would  
 4 notify the RI about the inspection.  
 5 MR KU SIU PING: Right.  
 6 MR VICTOR DAWES: Paragraph 12, you have to resolve the  
 7 issues. RI is responsible party and they have to deal  
 8 with the actual works and their presence is important.  
 9 You need their presence because you can better  
 10 understand the situation; and, second, you assess  
 11 whether the subject matter being complained can be  
 12 substantiated; and, (c), you request them to give an  
 13 explanation.  
 14 MR KU SIU PING: Right.  
 15 MR VICTOR DAWES: And page 2157, there is an annex. There  
 16 were 10 inspections of Wang Fuk Court. On eight  
 17 occasions there were prior notice, with the exception of  
 18 the other two.  
 19 MR KU SIU PING: Yes.  
 20 MR VICTOR DAWES: Let's have a look at the other two.  
 21 25 September 2024. That's the first inspection of the  
 22 Wang Fuk Court by the ICU. You tried to come to grips  
 23 with the situation. So you didn't line up inspection of  
 24 other parties.  
 25 MR KU SIU PING: Right.

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1 MR VICTOR DAWES: "Low-profile", this is seen in other  
 2 emails. I1-4/8751, this is an email to Amanda:  
 3 "Let's arrange a site inspection in low-profile  
 4 early next week. I will consult SBS/BC."  
 5 "Low-profile", what does it mean?  
 6 MR KU SIU PING: It means we would have a look first.  
 7 MR VICTOR DAWES: Is it a surprise visit?  
 8 MR KU SIU PING: Yes, for this one, yes.  
 9 MR VICTOR DAWES: This is the first one. The other one is  
 10 WS14/2159, that's November 2024:  
 11 "An unplanned short visit ... after a medical  
 12 appointment ..."  
 13 You went for a look after your medical appointment.  
 14 You inspect two blocks without scaffolding adjacent to  
 15 the entrance and stayed there for no more than  
 16 10 minutes. So you'd like to find out about the  
 17 situation and you would arrange another site visit.  
 18 MR KU SIU PING: Yes.  
 19 MR VICTOR DAWES: On the 18th you went there. This  
 20 practice, you conducted inspection, is this the MBIS  
 21 practice or is it the practice for the ICU with prior  
 22 notice?  
 23 MR KU SIU PING: ICU, like the BD, would have surprise visit  
 24 without any prior notification of the contractors. ICU  
 25 will have the site monitoring team to look at the

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1 demolition. There we have the surprise visit. We have  
 2 the EBT, another team, which deals with complaints like  
 3 unauthorised building works and they would conduct their  
 4 own visits. And also other sample for audits, no  
 5 notification, but for complaints, if complaints are  
 6 received, we would normally make prior arrangement with  
 7 the RI. The RI supervises the entire project.  
 8 MR VICTOR DAWES: You mentioned the other parties without  
 9 prior notification; they also have professionals.  
 10 MR KU SIU PING: Right.  
 11 MR VICTOR DAWES: And with professionals, that's not the  
 12 reason why you don't conduct surprise questions; right?  
 13 Do you understand my question?  
 14 MR KU SIU PING: Could you please repeat it?  
 15 MR VICTOR DAWES: Just now you mentioned about some other  
 16 scenarios, whether it's the ICU or other departments  
 17 under which there would be surprise checks. You said  
 18 that because when it comes to building renovation, there  
 19 is an RI in charge so you will approach the RI. No  
 20 matter what the project is, there will be a professional  
 21 in charge. Having a professional in charge is not the  
 22 reason for not carrying out surprise check?  
 23 MR KU SIU PING: There are differences. For new projects,  
 24 there is AP, there is RSE. They have plans, plans for  
 25 approval. So they will only need to carry the approved

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1 plans and submitted documents for the inspection. When  
 2 it comes to maintenance and repair, we don't have  
 3 information about what works are involved. There are  
 4 also residents living there. Complaints usually come  
 5 from residents. If there is an RI present to explain to  
 6 us about the works, the operation, it will be  
 7 beneficial.  
 8 MR VICTOR DAWES: So no matter what the project is, with  
 9 a person in charge there, perhaps there is merit. There  
 10 may be APs or other professionals. There are many  
 11 different types of complaints or site visits and you  
 12 won't be able to cover everything.  
 13 MR KU SIU PING: Right.  
 14 MR VICTOR DAWES: According to you, you said that in general  
 15 you will make prior arrangements.  
 16 MR KU SIU PING: Yes, in general.  
 17 MR VICTOR DAWES: This practice, from when did it start?  
 18 Whose decision was it?  
 19 MR KU SIU PING: It's always been the practice of the ICU.  
 20 MR VICTOR DAWES: From the first time when you joined the  
 21 ICU?  
 22 MR KU SIU PING: Yes.  
 23 MR VICTOR DAWES: So it's been a longstanding practice that  
 24 you arrange with the parties to be present?  
 25 MR KU SIU PING: May I supplement? Even with prior

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<p>1 notification, we would keep the time of notification as</p> <p>2 short as possible, within a very short time. Because,</p> <p>3 after all, it's a complaint. And as I said, there would</p> <p>4 be an RI in charge of the site to explain matters to us</p> <p>5 in relation to the complaint and there may be necessary</p> <p>6 follow-up work. So there is an actual need for them to</p> <p>7 be present.</p> <p>8 MR VICTOR DAWES: You might have heard about this before and</p> <p>9 I'd like to hear why your practice is different from</p> <p>10 other departments. According to the FSD, they said that</p> <p>11 they will not give prior notification in relation to</p> <p>12 complaints because they do not want to affect the</p> <p>13 fairness as well as the completeness of the complaint</p> <p>14 unless it's related to a fire alarm.</p> <p>15 MR KU SIU PING: Yes.</p> <p>16 MR VICTOR DAWES: Lam Sau Ching from the department said</p> <p>17 they've conducted 15 inspections and no prior</p> <p>18 notification had been given to the RI.</p> <p>19 MR KU SIU PING: Right.</p> <p>20 MR VICTOR DAWES: And from the BD, the assistant director,</p> <p>21 said that when it comes to site inspection or other</p> <p>22 inspections on existing or new buildings, there will not</p> <p>23 be prior notification given to RI or RCs.</p> <p>24 MR KU SIU PING: Right.</p> <p>25 MR VICTOR DAWES: Mr Yue also said in paragraph 8(i)(a),</p>	<p>1 decide whether to give a notification. No one asked for</p> <p>2 it to be done; right?</p> <p>3 MR KU SIU PING: Right.</p> <p>4 MR VICTOR DAWES: Of course, if notification is given, it</p> <p>5 will be quick and easier?</p> <p>6 MR KU SIU PING: Yes.</p> <p>7 MR VICTOR DAWES: However, with notification there is a</p> <p>8 chance that RIs or ICs would be able to hide</p> <p>9 non-compliances from you?</p> <p>10 MR KU SIU PING: I have reservations with what you've said.</p> <p>11 When we give notification, it's usually the RI who's in</p> <p>12 charge of the RC. So if there is non-compliance, the RI</p> <p>13 should not inform the RC.</p> <p>14 MR VICTOR DAWES: That is in theory; right?</p> <p>15 MR KU SIU PING: I do understand that.</p> <p>16 MR VICTOR DAWES: You said the RI is supposed to monitor the</p> <p>17 RC so you would arrange with the RI for the inspection.</p> <p>18 You only have to arrange with the RI. There's no need</p> <p>19 to notify the RC; right?</p> <p>20 MR KU SIU PING: That's right. But it will be easier to</p> <p>21 notify the RC as well. It depends on what it's about.</p> <p>22 MR VICTOR DAWES: In the case of Wang Fuk Court, you on</p> <p>23 every occasion made arrangement with all the parties;</p> <p>24 right?</p> <p>25 MR KU SIU PING: Right.</p>
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<p>1 WS14/172, the surprise check of BD applies to</p> <p>2 inspections from complaints on existing buildings</p> <p>3 covering site safety as well as complaints against</p> <p>4 misconduct of RIs or RCs. They will only contact RIs</p> <p>5 and RCs afterwards, unless it involves safety issues.</p> <p>6 You were aware of these practices?</p> <p>7 MR KU SIU PING: Right.</p> <p>8 MR VICTOR DAWES: We've also asked Ms Cheung Yuk Ching, the</p> <p>9 deputy director of the BD, page 30 of the transcript of</p> <p>10 the hearing, Day 20. I asked here if there was</p> <p>11 a complaint about non-compliance, you would need to go</p> <p>12 to the site to get a better understanding? She said yes</p> <p>13 and I asked, would there be notification? She said</p> <p>14 that, in general, they would go to the site first to get</p> <p>15 a general understanding before giving notification. The</p> <p>16 same applies to complaints.</p> <p>17 It seems that your practice differs from that of</p> <p>18 other departments when it comes to complaints. Is it</p> <p>19 something that the ICU has known all along?</p> <p>20 MR KU SIU PING: No. We are the MBIS team. The counterpart</p> <p>21 is the same team in the Buildings Department. We refer</p> <p>22 to the MBI menu of the BD. When it comes to</p> <p>23 notification, it's not mentioned.</p> <p>24 MR VICTOR DAWES: It's not the case that it is written that</p> <p>25 you need to give notification. It's down to you to</p>	<p>1 MR VICTOR DAWES: Let me give you a specific example. Last</p> <p>2 year there were two major typhoons, Typhoon Ragasa. The</p> <p>3 scaffolding nets at Wang Fuk Court were destroyed. We</p> <p>4 also heard that because of the long time taken, there</p> <p>5 was a need to replace the nets.</p> <p>6 MR KU SIU PING: Yes.</p> <p>7 MR VICTOR DAWES: On 28 October last year you conducted an</p> <p>8 inspection. Was it your decision?</p> <p>9 MR KU SIU PING: Yes.</p> <p>10 MR VICTOR DAWES: In your third statement, paragraph 34 --</p> <p>11 let's go to page 2140. From paragraphs 34 to 37, these</p> <p>12 paragraphs, you said that after Typhoon Ragasa and</p> <p>13 Chinachem Tower, you reminded RIs to pay attention to</p> <p>14 the safety of scaffolding nets. You said that for some</p> <p>15 projects, even without complaints, you said in relation</p> <p>16 to On Kay Court and Ching Lai Court you conducted</p> <p>17 inspections on your own accord without receiving any</p> <p>18 complaints.</p> <p>19 MR KU SIU PING: Right.</p> <p>20 MR VICTOR DAWES: You did it on your own initiative; right?</p> <p>21 MR KU SIU PING: Right. That's after Chinachem Tower, we</p> <p>22 wanted to enhance inspections on nets.</p> <p>23 MR VICTOR DAWES: The reason was that you found that there</p> <p>24 was a typhoon and there was the Chinachem Tower, so you</p> <p>25 took the initiative to carry out inspections and that</p>

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1 was actually not the case without these incidents. You  
 2 usually would conduct inspections after a complaint?  
 3 MR KU SIU PING: Right.  
 4 MR VICTOR DAWES: But indeed there were complaints in the  
 5 case of Wang Fuk Court. There were complaints from  
 6 Mr Kong Cheung Fat. You said that you would do  
 7 inspections, whether it's on your own initiative or not  
 8 and you also talked about inspections conducted on other  
 9 occasions.  
 10 MR KU SIU PING: Right.  
 11 MR VICTOR DAWES: You said you were aware that scaffolding  
 12 nets might have problems and you knew there was a need  
 13 to go to inspect them. The goal or objective was clear.  
 14 You did not take a look at all the different projects  
 15 but just one project.  
 16 MR KU SIU PING: That is not the case on 28 October for  
 17 Wang Fuk Court because we received a complaint by email  
 18 from Mr Kong Cheung Fat about the aging of scaffolding  
 19 nets because they've been in use for over a year. We  
 20 tested it and found them to be brittle. After the  
 21 typhoon, some parts of the nets were damaged and not  
 22 replaced. There was also damage in the scaffolding  
 23 bamboos as well as the toe-boards, so it's not just the  
 24 nets.  
 25 MR VICTOR DAWES: So you were concerned about the structural

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1 integrity of the scaffolding?  
 2 MR KU SIU PING: Right.  
 3 MR VICTOR DAWES: Ms Lau Ka Man made arrangement with  
 4 Mr Yeung Chi Man and communicated with him, that's upon  
 5 your instructions; right?  
 6 MR KU SIU PING: Right.  
 7 MR VICTOR DAWES: Arranging with RIs or other parties was  
 8 done at your instructions?  
 9 MR KU SIU PING: With the RI, yes. I said to Ms Lau that  
 10 there would be a site inspection and Ms Lau would help  
 11 with making the arrangements.  
 12 MR VICTOR DAWES: You knew that it's not the RI, but someone  
 13 else in the company of the RI?  
 14 MR KU SIU PING: A representative of the RI.  
 15 MR VICTOR DAWES: Why a representative, but not the RI?  
 16 MR KU SIU PING: In major projects like these, for  
 17 Will Power there is a representative in the company  
 18 who's familiar with the complex. We wanted to deal with  
 19 the matters as soon as possible so we approached the  
 20 person in charge.  
 21 MR VICTOR DAWES: So it was your practice to find the person  
 22 who's most familiar with the project?  
 23 MR KU SIU PING: When it comes to complaints, it was usually  
 24 about frontline operations at the site.  
 25 MR VICTOR DAWES: So approaching the person who's in charge

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1 of frontline operation would be better because they  
 2 believed more familiar with the situation. You agree  
 3 that is your practice?  
 4 MR KU SIU PING: Right.  
 5 MR VICTOR DAWES: At your instruction, a WhatsApp was  
 6 written. It's I1-4, page 8766.  
 7 "Good morning. I remember Andy Sir would be on  
 8 leave starting from 3 November."  
 9 Andy Sir is you; is that right?  
 10 MR KU SIU PING: Yes.  
 11 MR VICTOR DAWES: "Andy would like to check the nets because  
 12 there has been some enquiries received from owners. The  
 13 concern was that nets were brittle and would not be able  
 14 to protect the building."  
 15 And you said that -- and it said here:  
 16 "Please ask R Tam [transliteration of Will Power] to  
 17 be present. I want to know about the specification as  
 18 well as the fire retardancy of the nets. Mr Ku would  
 19 like to arrange for a random test for each block."  
 20 These are the instructions given to Ms Lau.  
 21 MR KU SIU PING: Right.  
 22 MR VICTOR DAWES: In your third statement you explain why  
 23 arrangements were made, because it's an area of concern.  
 24 Paragraph 38, you gave a detailed explanation about  
 25 prior arrangements being made. It says here Ms Lau --

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1 let's start from the start. Ms Lau contacted the  
 2 assigned person via WhatsApp for an inspection. Then  
 3 the next page, you talked about 28 October, that there  
 4 was a "practical reason why we informed the RI's  
 5 assigned person ..."  
 6 A practical reason. It was:  
 7 "... that the RI and RC must focus their efforts and  
 8 take targeted appropriate follow-up actions on the  
 9 specific issue of scaffolding safety ..."  
 10 It is because they had to take follow-up action in  
 11 relation to scaffolding safety; right?  
 12 MR KU SIU PING: Right.  
 13 MR VICTOR DAWES: You said, Given the practical and  
 14 technical considerations and the fact that it was  
 15 prevailing public concern, so arrangements were made.  
 16 They were the reasons why arrangements were made; right?  
 17 MR KU SIU PING: Right.  
 18 MR VICTOR DAWES: You confirm these were indeed the  
 19 considerations you have considered?  
 20 MR KU SIU PING: After the fire and Typhoon Ragasa, we were  
 21 concerned about the safety of the scaffolding nets. We  
 22 made arrangements to check the nets. And Ms Lau said on  
 23 WhatsApp that we were concerned about the nets because  
 24 we had already sent three emails in relation to nets,  
 25 that is 8 October, 23 October and 27 October, all in

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1 2023, mentioning about scaffolding net safety. The RI  
 2 should know that we were concerned about that. So  
 3 informing the RI that the inspection was about nets was  
 4 something that was to show we were concerned about that.  
 5 MR VICTOR DAWES: It's not the case that we said you were  
 6 not. You are saying that, "They knew the inspection  
 7 would be about the nets. It's not the case that they  
 8 didn't know. That's why they were told." You have  
 9 given us reasons why arrangements were made, but you did  
 10 not need these reasons because, as you've confirmed, no  
 11 matter what the inspection was about, you would give  
 12 prior notification.  
 13 MR KU SIU PING: Not necessarily. It depended on the  
 14 complaint. If it was something that is of emergency,  
 15 then we might not inform them.  
 16 MR VICTOR DAWES: So you said that other than exceptional  
 17 circumstances, as you said this morning, in most cases,  
 18 and it's also your practice, that you would inform the  
 19 RI and the RC.  
 20 MR KU SIU PING: Right.  
 21 MR VICTOR DAWES: You've told us a lot, but it's no  
 22 different from your usual practice; right?  
 23 MR KU SIU PING: Right.  
 24 MR VICTOR DAWES: We know that, unfortunately, after you  
 25 have informed them, they have rigged the test. And it's

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1 something that you did not expect.  
 2 MR KU SIU PING: Right.  
 3 MR VICTOR DAWES: You did not just take what they said. You  
 4 conducted tests to see if their saying that the nets  
 5 were compliant was true.  
 6 MR KU SIU PING: Right.  
 7 MR VICTOR DAWES: The RI was not there because it was only  
 8 the assigned person who was present. So whether you  
 9 give prior notification, it could still be done because  
 10 there would be a foreman there at the site.  
 11 MR KU SIU PING: Right.  
 12 MR VICTOR DAWES: We don't need to refer to the information.  
 13 I believe you know. After notification was given, they  
 14 made an urgent order for 115 pieces of nets for  
 15 preparation. I'm not saying that you deliberately  
 16 colluded with them. However, your practice of prior  
 17 notification gave them a chance to rig the inspection.  
 18 Do you agree?  
 19 MR KU SIU PING: No, I don't agree.  
 20 MR VICTOR DAWES: Can you explain?  
 21 MR KU SIU PING: Regarding the nets, we have already sent  
 22 a number of emails, emails sent to the RIs telling them  
 23 about scaffolding net safety after the fire and Typhoon  
 24 Ragasa. We asked them to accord highest priority of  
 25 scaffolding nets to the workers.

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1 MR VICTOR DAWES: Let me interrupt you so we can jump to the  
 2 point. I understand, you are saying that you knew you  
 3 that it was your concern and if they were minded to  
 4 replace the nets, they could have done so?  
 5 MR KU SIU PING: Right.  
 6 MR VICTOR DAWES: Emails had been sent, but it didn't  
 7 necessarily follow that you would carry out site  
 8 inspection.  
 9 MR KU SIU PING: Right.  
 10 MR VICTOR DAWES: But by the time you conducted the site  
 11 inspection, they had the chance to rig the whole thing,  
 12 and it was because you gave them prior notification and  
 13 this happened. That's what I was talking about.  
 14 MR KU SIU PING: Yes. Let me supplement. Indeed emails  
 15 were sent to notify the RI.  
 16 MR VICTOR DAWES: Yes, it's not contested.  
 17 MR KU SIU PING: At that time, we were not to know that the  
 18 RI would pass on the information to the RC.  
 19 MR VICTOR DAWES: Well, had you known, it would be something  
 20 that was outrageous.  
 21 MR KU SIU PING: Right. Let me further explain that in  
 22 relation to scaffolding nets, we're talking about a vast  
 23 area at Wang Fuk Court. We did not tell them the exact  
 24 location where tests would be done and they would not so  
 25 outrageously rig the test to that extent. That's what

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1 I meant.  
 2 MR VICTOR DAWES: You said that you did nothing that there  
 3 was a chance for them to rig the whole thing. If you  
 4 knew, you would not have done it this way.  
 5 MR KU SIU PING: Right.  
 6 MR VICTOR DAWES: When you tested the scaffolding net you  
 7 just needed to make arrangement with the RI. Why would  
 8 you have to make arrangements with the RC as well?  
 9 MR KU SIU PING: I needed to be present. When it comes to  
 10 the RC, there are site foremen or persons in charge.  
 11 They needed to work together.  
 12 MR VICTOR DAWES: Well, I corrected myself. You didn't make  
 13 arrangement for the RI; it was the representative of the  
 14 RI instead?  
 15 MR KU SIU PING: Right.  
 16 MR VICTOR DAWES: You said that you tried to compress the  
 17 timeline, to shorten the time.  
 18 MR KU SIU PING: Yes.  
 19 MR VICTOR DAWES: We saw the WhatsApp earlier that said as  
 20 you were about to take leave, you wanted to carry out an  
 21 inspection as soon as possible. You were going to take  
 22 leave on the 3rd, that's why you needed to handle the  
 23 thing before you took leave; right?  
 24 MR KU SIU PING: Yes.  
 25 MR VICTOR DAWES: So in general, did you give such a short

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<p>1 notice, two or three days?</p> <p>2 MR KU SIU PING: It depends on the actual inspection. About</p> <p>3 half of the time there was either no notice, or</p> <p>4 two/three days' notice. The other three days, on the</p> <p>5 same day, either in the morning --</p> <p>6 MR VICTOR DAWES: Including the occasion on which you walked</p> <p>7 past the area after a medical appointment.</p> <p>8 MR KU SIU PING: No notice on that day.</p> <p>9 MR VICTOR DAWES: Well, on that day, if you had not gone to</p> <p>10 Tai Po to attend a medical appointment, there wouldn't</p> <p>11 be that inspection. Am I fair to say that?</p> <p>12 MR KU SIU PING: Yes. Five out of 10 times, two no</p> <p>13 arrangements. The other three times, notice was given</p> <p>14 on the same day. For the other five times, for one of</p> <p>15 these five times, on 28 October 2025 notice of one day</p> <p>16 was given. For the other time, two days of notice, on</p> <p>17 5 March 2025, notice was given on 3 March; 5 March, such</p> <p>18 as checking the sound at the time of chiselling. For</p> <p>19 the other three times, longer time. On 28 October 2024,</p> <p>20 several issues, we wanted to make arrangements with the</p> <p>21 contractor and the management office to discuss. That</p> <p>22 was a longer notice time. It wasn't an inspection, it</p> <p>23 was a discussion instead.</p> <p>24 For the other two times, longer notice time, that is</p> <p>25 21 January 2025 and 3 June 2025. For these two</p>	<p>1 correction. You are just aligning your practice with</p> <p>2 other departments, can I put it this way?</p> <p>3 MR KU SIU PING: Yes.</p> <p>4 MR VICTOR DAWES: And the logic for you to notify the other</p> <p>5 parties, that was indeed problematic; otherwise you</p> <p>6 would not have to change your practice if it wasn't</p> <p>7 problematic.</p> <p>8 MR KU SIU PING: After each incident we identify room for</p> <p>9 improvement after we reviewed the situation.</p> <p>10 MR VICTOR DAWES: When it comes to the supervision of the</p> <p>11 scaffolding and the scaffolding nets, before the fire,</p> <p>12 regarding the fire retardancy of the scaffolding nets,</p> <p>13 there was the related code of practice or practice</p> <p>14 notes. APP-70, PN APP-20, I believe you are familiar</p> <p>15 with it, the Buildings Department through a circular --</p> <p>16 well, the BD issued a circular on 21 March 2023. Unless</p> <p>17 there is a complaint, the ICU would be carry out</p> <p>18 inspections to see whether the scaffolding nets were</p> <p>19 compliant. In other words, the fire retardancy</p> <p>20 requirements have always been here. And you agreed that</p> <p>21 the ICU has the supervision responsibility but you have</p> <p>22 never conducted any inspections. That means, despite</p> <p>23 the requirement, you have never conducted any inspection</p> <p>24 to check whether the scaffolding nets were compliant?</p> <p>25 MR KU SIU PING: Right. But I'd like to add our practice is</p>
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<p>1 occasions, we weren't there to inspect the work done by</p> <p>2 the contractor. We received complaints. At Wang Fuk</p> <p>3 Court, at the time when the buildings were built, it was</p> <p>4 about the issue with the air-conditioner hoods. It</p> <p>5 wasn't about the inspection of the work of the</p> <p>6 contractor, not about non-compliance. So it wouldn't</p> <p>7 have any impact on the inspection results.</p> <p>8 MR VICTOR DAWES: After the fire at Wang Fuk Court, has your</p> <p>9 practice changed?</p> <p>10 MR KU SIU PING: It would.</p> <p>11 MR VICTOR DAWES: No, I mean whether there has been</p> <p>12 a change.</p> <p>13 MR KU SIU PING: Yes. At least the purpose of the notice.</p> <p>14 For high risks, we no longer tell the RI in advance. In</p> <p>15 relation to surprise checks, the ICU is designing</p> <p>16 computer lot-drawing, instead of selecting particular</p> <p>17 locations or spots. That will protect us on the one</p> <p>18 hand and on the other hand prevent manipulation or</p> <p>19 rigging.</p> <p>20 MR VICTOR DAWES: Can I put it this way, the Buildings</p> <p>21 Department has been doing so in this manner, that is for</p> <p>22 most of the time announce checks, but just the ICU, not</p> <p>23 this case; right?</p> <p>24 MR KU SIU PING: Right.</p> <p>25 MR VICTOR DAWES: So the practice of the IC -- well,</p>	<p>1 actually in line with the practice of the BD. Take</p> <p>2 a large-scale renovation as an example. When the</p> <p>3 contractor needs to hang some scaffolding nets, they do</p> <p>4 not have to inform the ICU, so we rely on the discipline</p> <p>5 of the RC or the contractors.</p> <p>6 In December 2025 the relevant codes of practice have</p> <p>7 been updated. A certified testing centre would have to</p> <p>8 be engaged to check the scaffolding nets. Only when the</p> <p>9 tests are passed could the relevant nets be hung. And</p> <p>10 there would be sample checks. So the practice has</p> <p>11 completely changed.</p> <p>12 MR VICTOR DAWES: Let's not talk about the practice today;</p> <p>13 let's talk about the practice before the fire.</p> <p>14 So the first inspection took place in October 2024.</p> <p>15 The letter dated 5 October 2024 submitted to the</p> <p>16 Commissioner for Labour. In I1-4/8255. You can see</p> <p>17 "Dear Andy". Zoe Lam, that is Miss Lam Sau Ching; is</p> <p>18 that right?</p> <p>19 MR KU SIU PING: No. It should be Zoe from the Buildings</p> <p>20 Department.</p> <p>21 MR VICTOR DAWES: It refers to the fact that the scaffolding</p> <p>22 nets are not fire-retardant. Let's refer to the</p> <p>23 contents of the email. The Buildings Department said</p> <p>24 so:</p> <p>25 "Our DB would like to have an update on the status</p>

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<p>1 of the ICU's investigations related to the allegations</p> <p>2 mentioned in the internet sources provided in Poon's</p> <p>3 email. Grateful for providing us with the information</p> <p>4 on the background of the cases ..."</p> <p>5 Please refer to the next page, page 8256. This is</p> <p>6 for the Commissioner for Labour. The contents are</p> <p>7 mainly about the misleading contents of Ms Lam Sau</p> <p>8 Ching; it wasn't the first time. APP-70 was not</p> <p>9 complied with. Was it outdated? Was it not necessary?</p> <p>10 You can see this; right?</p> <p>11 MR KU SIU PING: Yes.</p> <p>12 MR VICTOR DAWES: Afterwards, the complaint was referred to</p> <p>13 the BD and afterwards to the ICU. This email was copied</p> <p>14 to the ICU as well but this case was referred to you by</p> <p>15 the BD, so the BD directly asked you.</p> <p>16 MR KU SIU PING: Right.</p> <p>17 MR VICTOR DAWES: The BD thought about this. They said --</p> <p>18 what does DB mean?</p> <p>19 MR KU SIU PING: Director of Buildings.</p> <p>20 MR VICTOR DAWES: "Our DB would like to have an update on</p> <p>21 the status of the ICU's investigations related to the</p> <p>22 allegations mentioned in the internet sources", and then</p> <p>23 make report to us. It also mentions that they want to</p> <p>24 be briefed on the situation in Sui Wo Court, they want</p> <p>25 to know if the situation is similar there. Please refer</p>	<p>1 MR KU SIU PING: Yes.</p> <p>2 MR VICTOR DAWES: I know you did not contact the RI himself.</p> <p>3 Who did you contact? After receiving the complaint, you</p> <p>4 felt there was an issue, and you made a phone call to</p> <p>5 the company of the RI and looked for one of the staff</p> <p>6 members; correct?</p> <p>7 MR KU SIU PING: It was my colleague that made a call.</p> <p>8 Probably they looked for an RI and the RI wasn't there.</p> <p>9 That was why they looked for another person.</p> <p>10 MR VICTOR DAWES: There was no record that you had sought</p> <p>11 the RI for communication. It's probably the case that</p> <p>12 you contacted another person, not the RI.</p> <p>13 MR KU SIU PING: Right.</p> <p>14 MR VICTOR DAWES: The case was referred from the LD, and the</p> <p>15 BD seemed to be quite serious about the case; therefore,</p> <p>16 you arranged for the inspection.</p> <p>17 MR KU SIU PING: Yes.</p> <p>18 MR VICTOR DAWES: If it was just a complaint made to you,</p> <p>19 then you would not make an inspection.</p> <p>20 MR KU SIU PING: Yes.</p> <p>21 MR VICTOR DAWES: It was because the case was referred by</p> <p>22 the LD to you, that was why you made an inspection. Is</p> <p>23 it fair for me to say so?</p> <p>24 MR KU SIU PING: No.</p> <p>25 MR VICTOR DAWES: Even if there was just a complaint,</p>
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<p>1 to page 8254. This is your reply to her; right?</p> <p>2 MR KU SIU PING: Yes.</p> <p>3 MR VICTOR DAWES: Please zoom out.</p> <p>4 You explained the situation at Wang Fuk Court, that</p> <p>5 includes the history. And in second paragraph you said:</p> <p>6 "... ICU has not received any complaints or</p> <p>7 inquiries regarding the flame-retardant properties of</p> <p>8 the protective nets ..."</p> <p>9 That is you have not received any complaints.</p> <p>10 MR KU SIU PING: Correct.</p> <p>11 MR VICTOR DAWES: Mr Poon seemed to just write to the Labour</p> <p>12 Department which has not contacted you. It was the BD</p> <p>13 that referred the case to you.</p> <p>14 MR KU SIU PING: Yes.</p> <p>15 MR VICTOR DAWES: That was what you said; is that correct?</p> <p>16 MR KU SIU PING: Yes.</p> <p>17 MR VICTOR DAWES: "The only information that we have" is the</p> <p>18 email dated 5 October 2024 to the Labour Department</p> <p>19 regarding -- well:</p> <p>20 "We have already reminded the RI to adhere to the</p> <p>21 flame-retardant requirements and to maintain proper</p> <p>22 records of all documents for our inspection whenever</p> <p>23 necessary."</p> <p>24 In other words, you reminded the RI; is that</p> <p>25 correct?</p>	<p>1 you would conduct inspections as well?</p> <p>2 MR KU SIU PING: Yes.</p> <p>3 MR VICTOR DAWES: Regarding the rapid test, was it the first</p> <p>4 time you conducted the rapid test for scaffolding net?</p> <p>5 MR KU SIU PING: Yes.</p> <p>6 MR VICTOR DAWES: Had you done so before, before the first</p> <p>7 test?</p> <p>8 MR KU SIU PING: No, I had not.</p> <p>9 MR VICTOR DAWES: Why was it necessary for you conduct the</p> <p>10 test?</p> <p>11 MR KU SIU PING: Well, right.</p> <p>12 MR VICTOR DAWES: Am I right to say that you had no</p> <p>13 experience when it comes to testing the fire retardancy</p> <p>14 of scaffolding nets?</p> <p>15 MR KU SIU PING: Well, I conducted such tests in other</p> <p>16 sites.</p> <p>17 MR VICTOR DAWES: Done by you or seen by you?</p> <p>18 MR KU SIU PING: I saw such tests.</p> <p>19 MR VICTOR DAWES: Where?</p> <p>20 MR KU SIU PING: When the Housing Department conducted</p> <p>21 building maintenance works --</p> <p>22 MR VICTOR DAWES: Well, it was the first time you burned the</p> <p>23 scaffolding net in the ICU; is that correct?</p> <p>24 MR KU SIU PING: Yes.</p> <p>25 MR VICTOR DAWES: Let's focus on how you conducted the test.</p>

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1 I believe you have already watched a clip. I1-4, that  
 2 was a video clip about the burning of the scaffolding  
 3 nets. I'm not going to waste time playing the clip,  
 4 although people might be interested in it. Scaffolding  
 5 nets was burned for 15 seconds and then there was  
 6 afterflame for another 10 seconds.  
 7 MR KU SIU PING: Yes.  
 8 MR VICTOR DAWES: Do you agree that someone has blown out  
 9 the fire?  
 10 MR KU SIU PING: Yes, I agree.  
 11 MR VICTOR DAWES: You were present and you saw that; is that  
 12 correct?  
 13 MR KU SIU PING: Yes, I was there.  
 14 MR VICTOR DAWES: Did you yourself ask someone else to blow  
 15 out the fire? I know it wasn't you.  
 16 MR KU SIU PING: I was standing behind it and I couldn't  
 17 blow out the fire.  
 18 MR VICTOR DAWES: Did you ask someone else to blow out the  
 19 fire?  
 20 MR KU SIU PING: No.  
 21 MR VICTOR DAWES: Who was it?  
 22 MR KU SIU PING: It was the contractor.  
 23 MR VICTOR DAWES: You saw that the scaffolding nets  
 24 continued to burn and the contractor blew out the fire.  
 25 Did you find it problematic?

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1 MR KU SIU PING: For that test, yes, problematic. At that  
 2 time, it was problematic. But our focus at that time  
 3 was the sustained burning and it could not be burned.  
 4 For the repeated checks, it could not be burned. So our  
 5 focus was, first of all, based on this on-site rapid  
 6 test, it wasn't a test conducted in a laboratory. In a  
 7 laboratory if the test failed, it would indeed be a  
 8 fail. But in some cases, in addition to our documents  
 9 which we mainly relied on, we conducted test for  
 10 reference, and this is a practice in construction sites  
 11 as well.  
 12 At that time, I asked the RI -- on 28 October 2024 I  
 13 asked them whether they had conducted such tests and  
 14 they said yes. And then we said, "Why don't you conduct  
 15 a test for us to see once?" And that was the situation  
 16 back then.  
 17 MR VICTOR DAWES: For the three tests they were conducted by  
 18 an RI?  
 19 MR KU SIU PING: Yes. They did the test and we observed the  
 20 test.  
 21 MR VICTOR DAWES: You decided to burn which part of the  
 22 scaffolding nets? I knew that you did it thrice. It  
 23 was the RI that decided on which part of the scaffolding  
 24 nets were burned; is that correct?  
 25 MR KU SIU PING: No, it was decided by me. If it had been

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1 decided by them, then it would have been meaningless.  
 2 For the burning that took place on the ground we  
 3 could see that it could not be burned. On the rooftop,  
 4 the flame sustained for 10 seconds and then it was blown  
 5 out. The same patch of scaffolding nets was burned  
 6 twice and it couldn't be burned. In some individual  
 7 cases, probably the result was not accurate, but we  
 8 conducted two repeated checks and it could not be  
 9 burned. If a small scaffolding net was not  
 10 fire-retardant, it was impossible for another  
 11 scaffolding net to be burned.  
 12 On 18 November 2024, in some of the spots we burned  
 13 another 12 samples. So overall, including the  
 14 scaffolding net testing report, we burned different  
 15 scaffolding nets in other places, so overall we found  
 16 that the scaffolding nets did not raise any particular  
 17 concern.  
 18 MR VICTOR DAWES: In your witness statement you said so.  
 19 Let's refer to page 642. Let's refer to your first  
 20 witness statement, paragraph 48. You can see the first  
 21 bullet point. From the last four lines down:  
 22 "... the contractor then proceeded to retest the  
 23 same piece of scaffolding net twice to demonstrate that  
 24 the scaffolding net was fire-retardant. The RI's  
 25 assigned person did not raise any concern with this

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1 test."  
 2 In other words, whether there was any concern about  
 3 this situation, you have considered the fact that the RI  
 4 did not raise any concern; is that true?  
 5 MR KU SIU PING: No. If there was an issue with the retest,  
 6 definitely we would raise a concern.  
 7 MR VICTOR DAWES: But then you said the RI's assigned person  
 8 did not raise any concern with the test. You had taken  
 9 into account this; is that correct?  
 10 MR KU SIU PING: We wanted to point out the fact that the  
 11 RIs did not raise any concern with the test.  
 12 MR VICTOR DAWES: It is not the case that the RI did not  
 13 raise any concern but the assigned person of the RI, and  
 14 we don't know the qualifications of the RI; is that  
 15 right?  
 16 MR KU SIU PING: The assigned person represented the RI.  
 17 MR VICTOR DAWES: I asked you what professional  
 18 qualifications the RI's assigned person had and you have  
 19 no such knowledge; is that correct?  
 20 MR KU SIU PING: From the name card we knew that the RI's  
 21 assigned person is the senior contract manager. So  
 22 based on the title, we knew that he had relevant  
 23 experience.  
 24 MR VICTOR DAWES: I want to go over this paragraph with you.  
 25 You recorded what happened at that time. It isn't in

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<p>1 line with what we saw in the video clip.</p> <p>2 "During the first test, it was noted that the</p> <p>3 scaffolding net was on fire after being burned for about</p> <p>4 10 seconds. The contractor then proceeded to retest the</p> <p>5 same piece of scaffolding net twice."</p> <p>6 You recorded the situation but it wasn't that</p> <p>7 accurate; is that correct? Is that right?</p> <p>8 MR KU SIU PING: You mean to put it out?</p> <p>9 MR VICTOR DAWES: The focus is "the scaffolding net was on</p> <p>10 fire for more than 10 seconds before it was blown out";</p> <p>11 right?</p> <p>12 MR KU SIU PING: Right.</p> <p>13 MR VICTOR DAWES: When there are no problems after</p> <p>14 10 seconds and you had a retest, it didn't get ignited,</p> <p>15 it was okay; right?</p> <p>16 MR KU SIU PING: Yes.</p> <p>17 MR VICTOR DAWES: The second and third tests -- you didn't</p> <p>18 have much experience in testing the scaffold netting on</p> <p>19 site; agree?</p> <p>20 MR KU SIU PING: No.</p> <p>21 MR VICTOR DAWES: You had experience?</p> <p>22 MR KU SIU PING: For this kind of test it's not complicated.</p> <p>23 I've seen this once or twice. I can get to grips with</p> <p>24 this kind of technique. I also talked with my</p> <p>25 colleagues about these nets. This is something that</p>	<p>1 different scenarios. So if it goes beyond 10 seconds,</p> <p>2 there will be problems under whatever circumstances.</p> <p>3 We cannot anticipate the situation in the case of a</p> <p>4 fire, so if it is beyond 10 seconds, there will be</p> <p>5 problems. Under what circumstances would it be beyond</p> <p>6 10 seconds?</p> <p>7 MR KU SIU PING: The scaffold netting, it is being used. It</p> <p>8 is not brand new. In some tests on site, it might get</p> <p>9 burnt. It may be due to environmental factors. It</p> <p>10 might be there may be some grime attached to do it. And</p> <p>11 if the net has got some combustibles attached to it, it</p> <p>12 might get ignited. In the test process -- there may be</p> <p>13 some isolated cases because we're not dealing with a</p> <p>14 brand new piece of net and in the course of work, it may</p> <p>15 have something attached to it which is combustible. It</p> <p>16 might happen like this. So for these scaffold nets,</p> <p>17 we would do a retest to confirm. If it gets ignited,</p> <p>18 we would conduct a retest. We would not just replace</p> <p>19 them altogether.</p> <p>20 MR VICTOR DAWES: You make it sound as if you have a lot of</p> <p>21 experience. You just saw it once or twice or three</p> <p>22 times. Sometimes you say you have experience; other</p> <p>23 times you say you don't have experience.</p> <p>24 MR KU SIU PING: Yes, I've seen this on one or two occasions</p> <p>25 and I learned also from my colleagues.</p>
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<p>1 would be done on site.</p> <p>2 MR VICTOR DAWES: In your experience, if the net is ignited</p> <p>3 and has to be blown out, does it happen often?</p> <p>4 MR KU SIU PING: It did happen.</p> <p>5 MR VICTOR DAWES: Did you see that happen?</p> <p>6 MR KU SIU PING: I've done once or twice, but I've never</p> <p>7 seen it.</p> <p>8 MR VICTOR DAWES: So in your experience you've never seen</p> <p>9 the situation where the ignited net would have to be</p> <p>10 burned out, they would burn out?</p> <p>11 MR KU SIU PING: This one, I've asked my site colleagues,</p> <p>12 and it did happen.</p> <p>13 MR VICTOR DAWES: To be fair to you, you've explained why it</p> <p>14 has to be blown out, because there are other tests that</p> <p>15 can prove the fire retardancy and you're more concerned</p> <p>16 about the certificate; is that right? That's what you</p> <p>17 need to verify the fire retardancy?</p> <p>18 MR KU SIU PING: Yes, in the mechanism, yes.</p> <p>19 MR VICTOR DAWES: But in practice you rely on the</p> <p>20 certificate?</p> <p>21 MR KU SIU PING: Yes.</p> <p>22 THE HON MR JUSTICE DAVID LOK: Have you heard of or have you</p> <p>23 been told by your colleague in some cases it would be</p> <p>24 more than 10 seconds? I understand that under different</p> <p>25 circumstances things might differ, you're bound to have</p>	<p>1 MR VICTOR DAWES: Let me supplement a little bit to see</p> <p>2 whether you can assist us. You tested samples of the</p> <p>3 scaffold nets. If they are not ignited, it means that</p> <p>4 there are no problems with the nets. But if the nets</p> <p>5 get ignited, it might be a red flag showing you that</p> <p>6 more should be done. Would you agree?</p> <p>7 MR KU SIU PING: For Wang Fuk Court we've done a dozen or</p> <p>8 so. For the rooftop one, we've done two retests for the</p> <p>9 same piece of net. Under certain circumstances, they</p> <p>10 might get ignited.</p> <p>11 MR VICTOR DAWES: So overall you're happy with the result?</p> <p>12 MR KU SIU PING: We didn't have any suspicion.</p> <p>13 THE HON MR JUSTICE DAVID LOK: Let me put a question. For</p> <p>14 the retests, any video?</p> <p>15 MR KU SIU PING: Yes. All the tests are recorded in video.</p> <p>16 THE HON MR JUSTICE DAVID LOK: Have you made them available</p> <p>17 to the Committee? It seems we've only picked the one</p> <p>18 that is problematic.</p> <p>19 MR JENKIN SUEN: All the videos have been provided to the</p> <p>20 Committee.</p> <p>21 MR VICTOR DAWES: The same video.</p> <p>22 Let's see whether you can assist us here. You said</p> <p>23 you rely mainly on the certificate. The burning test is</p> <p>24 not a regular occurrence. You would ask for the</p> <p>25 certificate to see whether it is in compliance. That's</p>

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1 a measure to deal with fire retardancy of the nets;  
 2 right?  
 3 MR KU SIU PING: Basically, yes.  
 4 MR VICTOR DAWES: We understand that Prestige passed on via  
 5 WhatsApp to the ICU the certificate. I1-4/8791. That's  
 6 the certificate?  
 7 MR KU SIU PING: Yes.  
 8 MR VICTOR DAWES: My question is, if I show you the  
 9 certificate about a certain batch of nets, would you be  
 10 concerned whether the certificate is specific to a  
 11 particular batch or would it be something else? Would  
 12 you consider this?  
 13 MR KU SIU PING: In the mechanism we would work on the basis  
 14 of the certificate.  
 15 MR VICTOR DAWES: So the answer is no?  
 16 MR KU SIU PING: Right.  
 17 MR VICTOR DAWES: Second, when you conduct an inspection,  
 18 you are concerned about the age of the nets or some of  
 19 them may have been replaced. In 2024, any reason to  
 20 believe that the nets have been replaced?  
 21 MR KU SIU PING: The nets were new at that time.  
 22 MR VICTOR DAWES: So my question then is, first, you don't  
 23 have any mechanism to verify the certificate is relevant  
 24 to the nets that have been hung, and you don't have the  
 25 duty to verify the test report or the delivery note or

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1 the suppliers. You would not get this kind of  
 2 information. You only get the certificate; is that  
 3 right?  
 4 MR KU SIU PING: Yes.  
 5 MR VICTOR DAWES: So for the document review of the nets,  
 6 you would look at the certificate to see whether the  
 7 relevant standards are there, and that's all you would  
 8 do; right?  
 9 MR KU SIU PING: Yes.  
 10 MR VICTOR DAWES: Looking at this certificate, page 8793,  
 11 further down, I'm sure you would look at the content of  
 12 the certificate?  
 13 MR KU SIU PING: Yes, we would. We don't read these kind of  
 14 certificates very often.  
 15 MR VICTOR DAWES: Item 10, about the fire retardancy, it's  
 16 zero seconds. So it's not combustible. It cannot be  
 17 ignited.  
 18 MR KU SIU PING: Yes.  
 19 MR VICTOR DAWES: After you remove the source of fire, it  
 20 can still burn. Column 4, it says 4 seconds.  
 21 You conducted sample tests. Did you notice in each  
 22 test how many seconds did the ignition last for before  
 23 it stops? Is it consistent with the certificate?  
 24 MR KU SIU PING: We conducted so many tests. I notice that  
 25 the rooftop one, that's 10 seconds. And there is

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1 another one. We tried then three times. It's more than  
 2 four seconds. For that one there was -- at the end of  
 3 the series of tests.  
 4 MR VICTOR DAWES: Some in the burning test and some of them  
 5 are not compliant, but most of them are compliant.  
 6 MR KU SIU PING: Yes.  
 7 MR VICTOR DAWES: There is also a video report that the  
 8 certificate might be bogus. You've heard some saying  
 9 that the testing agency in 2019, it has changed its  
 10 name, and you didn't seem to have noticed that. Is it  
 11 fair to say this?  
 12 MR KU SIU PING: Yes.  
 13 MR VICTOR DAWES: Let me put this to you. When you receive  
 14 the certificate, you would not check the status of the  
 15 testing agent?  
 16 MR KU SIU PING: We work on the basis of the circular of the  
 17 BD dated 21 March 2023. So it says it has to measure up  
 18 to the requirement.  
 19 MR VICTOR DAWES: We look at the certificate further up, GB  
 20 5725-2009.  
 21 MR KU SIU PING: That's the national standard.  
 22 MR VICTOR DAWES: If you see, the certificate measures up to  
 23 this requirement, you will accept it?  
 24 MR KU SIU PING: And also the test result.  
 25 MR VICTOR DAWES: As to who issued the certificate, it's no

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1 concern of you?  
 2 MR KU SIU PING: Well, it is the contractor that gives out  
 3 the certificate.  
 4 MR VICTOR DAWES: That's not my question. You would not  
 5 notice who issues the certificate?  
 6 MR KU SIU PING: No.  
 7 MR VICTOR DAWES: After the fire, did you check the  
 8 certificate for its veracity?  
 9 MR KU SIU PING: After the fire there is a number and there  
 10 is some discrepancy regarding two characters in the name  
 11 of the agency.  
 12 MR VICTOR DAWES: So after the fire, you detected some  
 13 problems. After the fire, you detected that the  
 14 certificate was fake?  
 15 MR KU SIU PING: Well, the name, there is a discrepancy in  
 16 the name. There are two characters that are not there.  
 17 MR VICTOR DAWES: If it's a real certificate, there would  
 18 not be any discrepancy because they wouldn't get the  
 19 name wrong. So, after the fire -- I'm not talking about  
 20 before -- you must be aware that the certificate was  
 21 bogus?  
 22 MR KU SIU PING: Right.  
 23 MR VICTOR DAWES: BD, Ms Cheung Yuk Ching, said that the  
 24 usual practice with regard to the testing of the nets,  
 25 they would sent this to HOKLAS. You know about HOKLAS,

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<p>1 this organisation?</p> <p>2 MR KU SIU PING: Yes.</p> <p>3 MR VICTOR DAWES: They would take this to the lab for</p> <p>4 testing and you didn't do that yourself. Can you tell</p> <p>5 us why there is discrepancy in the practice?</p> <p>6 MR KU SIU PING: In December 2025 there's a new code.</p> <p>7 MR VICTOR DAWES: There was no such requirement before;</p> <p>8 right?</p> <p>9 MR KU SIU PING: Yes.</p> <p>10 MR VICTOR DAWES: Can I put it this way: Ms Cheung's</p> <p>11 evidence on Day 20, page 18, lines 11 to 16, that's what</p> <p>12 she said; see whether you agree or not. Line 11. We</p> <p>13 look at the certificate, we look at certain things,</p> <p>14 which testing agency, whether it is HOKLAS or the</p> <p>15 mainland, whether there is mutual recognition. If there</p> <p>16 are doubts, we would ask a local organisation to</p> <p>17 accredit it.</p> <p>18 I took her to look at the code about the standards.</p> <p>19 Basically, she is saying that before the fire they would</p> <p>20 be concerned about the testing agency; it must be tested</p> <p>21 in Hong Kong. And whether the lab is part of HOKLAS, if</p> <p>22 you refer to line 22, so you would not be concerned</p> <p>23 about whether the lab is an accredited lab. As long as</p> <p>24 there is a standard spelled out in the certificate,</p> <p>25 you would accept it.</p>	<p>1 didn't mention that because we work on the basis of the</p> <p>2 retest results. So we had two tests. And on</p> <p>3 18 November we had 12 tests. For such a big size, two</p> <p>4 tests may not give us a conclusive result. We didn't</p> <p>5 have evidence at the time.</p> <p>6 MR VICTOR DAWES: I'd like your help with one point. On</p> <p>7 28 November you did not just check the scaffolding net,</p> <p>8 you also looked into the issue with foam boards covering</p> <p>9 windows. How come it wasn't mentioned in the report to</p> <p>10 the BD?</p> <p>11 MR KU SIU PING: We replied to the BD in accordance with the</p> <p>12 enquiry.</p> <p>13 MR VICTOR DAWES: Since it was not mentioned, that's why you</p> <p>14 thought that there was no need to report to them, even</p> <p>15 though you have checked it?</p> <p>16 MR KU SIU PING: Right.</p> <p>17 MR VICTOR DAWES: Paragraph 59 of your first statement,</p> <p>18 page 648. You said it seems that in relation to foam</p> <p>19 boards, the ICU would look to the Buildings Department</p> <p>20 to see if they had any views on this matter; right?</p> <p>21 Line 3:</p> <p>22 "... there is no specific requirement in respect of</p> <p>23 the use or standards of foam board as temporary</p> <p>24 protection in statutory provisions ... ICU was also</p> <p>25 unaware that there is any specific guideline."</p>
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<p>1 MR KU SIU PING: Ms Cheung is saying that before the fire we</p> <p>2 need to have HOKLAS or a mutually recognised</p> <p>3 organisation for testing. We don't see this in the</p> <p>4 guidelines or in the code. Does it appear after</p> <p>5 December 2025? We did not realise there is such</p> <p>6 a requirement. In the circular in 2023 there is no such</p> <p>7 requirement.</p> <p>8 MR VICTOR DAWES: So there's no requirement regarding</p> <p>9 whether the lab exists or not, can I put it this way?</p> <p>10 MR KU SIU PING: Yes.</p> <p>11 MR VICTOR DAWES: 11-4, page 8252. This is your reply to</p> <p>12 Ms Lam, BD; right? Paragraph 3:</p> <p>13 "During our inspection ... the contractor provided</p> <p>14 a test report confirming that the protective nets</p> <p>15 complying with the requirements of APP-70 ... the RI</p> <p>16 also advised us that on-site flame tests were conducted</p> <p>17 on the protective nets to verify their flame-retardant</p> <p>18 properties. Additionally, they performed sampling tests</p> <p>19 during our visit to demonstrate that the nets meet</p> <p>20 flame-retardant standards as well."</p> <p>21 Can I put it this way. Here you generally say that</p> <p>22 there are no problems and there are certain tests that</p> <p>23 show more than four seconds; is that correct?</p> <p>24 MR KU SIU PING: Yes. But if I may supplement here. For</p> <p>25 the rooftop test, as I explained, during the retest we</p>	<p>1 THE HON MR JUSTICE DAVID LOK: In relation to foam board,</p> <p>2 perhaps it may take some time.</p> <p>3 MR VICTOR DAWES: It's just one quick question.</p> <p>4 In other words, if you look at this paragraph, you</p> <p>5 confirm that in relation to requirements of foam board,</p> <p>6 you said "We shall defer to BD", that means you would</p> <p>7 seek the advice of BD. That was your understanding;</p> <p>8 right?</p> <p>9 MR KU SIU PING: What I meant there was in the case of</p> <p>10 a prosecution, then we would carry out the</p> <p>11 investigation, but it would be the BD which initiates</p> <p>12 the prosecution.</p> <p>13 MR VICTOR DAWES: I would like to also cover the dates as</p> <p>14 well. You talk about 12 times. That's afterwards, on</p> <p>15 18 November.</p> <p>16 MR KU SIU PING: Yes.</p> <p>17 MR VICTOR DAWES: You said that -- well, it was checked</p> <p>18 later and found to be no problem. It was not that day,</p> <p>19 that is 28 October, it was afterwards.</p> <p>20 MR KU SIU PING: Right.</p> <p>21 MR VICTOR DAWES: The reason for another test was that</p> <p>22 because you were a bit concerned the first time?</p> <p>23 MR KU SIU PING: No. It was a big site. Doing two tests</p> <p>24 was not enough because we looked at different items and</p> <p>25 time was tight.</p>

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1 MR VICTOR DAWES: I understand.  
 2 Sorry, I have overrun a bit. This is the right  
 3 time.  
 4 THE HON MR JUSTICE DAVID LOK: We will resume at 2.15.  
 5 (1.02 pm)  
 6 (The luncheon adjournment)  
 7 (2.15 pm)  
 8 THE HON MR JUSTICE DAVID LOK: Mr Dawes, please carry on.  
 9 MR VICTOR DAWES: Good afternoon, Mr Ku. We are now talking  
 10 about the 28 October 2025 inspection. We have talked  
 11 about how Prestige manipulated the test and was  
 12 dishonest. We know that after Typhoon Ragasa some nets  
 13 were destroyed. Mr Kong Cheung Fat complained to the  
 14 ICU. In your first statement, paragraph 48, next page,  
 15 page 24. The three bullet points you talked about how  
 16 you did the net tests and at what location. As you did  
 17 previously, you tested the nets on the rooftop. That  
 18 was the approach selected.  
 19 MR KU SIU PING: Right.  
 20 MR VICTOR DAWES: Please confirm, the way the test was done,  
 21 the way the burning test was done was as you explained  
 22 this morning. However, this time was different. You  
 23 knew that the typhoon damaged some scaffolding nets so a  
 24 new batch was replaced.  
 25 MR KU SIU PING: In relation to the inspection, the target

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1 was the old nets. Mr Kong, in the complaint email, said  
 2 that after a year the old nets became brittle, the  
 3 protective qualities were degraded. So that was about  
 4 old nets.  
 5 MR VICTOR DAWES: But you also tested new ones?  
 6 MR KU SIU PING: Right. The inspection covered old nets.  
 7 But we used the chance to look at new nets as well.  
 8 MR VICTOR DAWES: The reason for doing so was because it was  
 9 quite some time since the old nets were used, but the  
 10 old nets, some of it was damaged.  
 11 MR KU SIU PING: Yes.  
 12 MR VICTOR DAWES: So when you went there, some of the nets  
 13 were replaced with old ones.  
 14 MR KU SIU PING: Yes.  
 15 MR VICTOR DAWES: Residents said that some nets, the new  
 16 ones, were different, of a lighter shade and more  
 17 translucent.  
 18 MR KU SIU PING: Yes, you can tell from the shade the new  
 19 ones from the old one.  
 20 MR VICTOR DAWES: Let's go to O1/47. You can see here from  
 21 the information it says that, well, as some of the  
 22 old -- "some of the nets have aged and have lost the  
 23 quality to protect, please follow-up."  
 24 MR KU SIU PING: Right.  
 25 MR VICTOR DAWES: So you said that you mainly went there for

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1 the inspection of the old ones.  
 2 Let's go to I1-4, page 9100. You see a difference  
 3 in shade? When you went there you could spot that?  
 4 MR KU SIU PING: Right.  
 5 MR VICTOR DAWES: Some residents said that they live wrapped  
 6 in nets. It was unpleasant. But with the new nets,  
 7 they could see better outside. You knew about this  
 8 saying; right?  
 9 MR KU SIU PING: Before the fire, no.  
 10 MR VICTOR DAWES: But of course when you arrived at the  
 11 scene you could see that the nets have become different  
 12 in colour and you could tell the new ones from the old  
 13 ones?  
 14 MR KU SIU PING: Correct.  
 15 MR VICTOR DAWES: So, during your inspections, you should  
 16 have known that the old ones had been replaced with the  
 17 new ones and the new ones have become different. Did  
 18 you ask PC&E, "Can you produce the fire-retardant  
 19 certificate to us in relation to the new batch?"  
 20 MR KU SIU PING: Yes, we raised that.  
 21 MR VICTOR DAWES: And you asked them for it?  
 22 MR KU SIU PING: Yes. At the scene, after we checked the  
 23 old nets, we asked them whether they have any  
 24 certificates for the new scaffolding nets. The RI  
 25 representative was present as well. And they told me

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1 the new and old ones use the same certificate.  
 2 MR VICTOR DAWES: In your third witness statement,  
 3 paragraph 21, you made it clear but I do not want to  
 4 refer you to that paragraph. You relied on the  
 5 certificate.  
 6 MR KU SIU PING: Correct.  
 7 MR VICTOR DAWES: And they told you they were using the old  
 8 certificate, but at that time you could tell that the  
 9 new ones were are different from the old ones. Didn't  
 10 you find problematic?  
 11 MR KU SIU PING: If the supplier or the manufacturer was the  
 12 same, the same certificate could be used.  
 13 MR VICTOR DAWES: So how could you tell the supplier or  
 14 manufacturer was the same?  
 15 MR KU SIU PING: The RI was present. The RI had the  
 16 responsibility for making sure that the scaffolding nets  
 17 were provided by the same supplier or manufacturer and  
 18 the same certificate was used. At that time we could  
 19 not dispute that with them.  
 20 MR VICTOR DAWES: Really no.  
 21 MR KU SIU PING: Well, they could be using the same supplier  
 22 or manufacturer to supply scaffolding nets. At that  
 23 time we didn't ask them for that. Well, we did ask if  
 24 they had provided us the old one; that would be the  
 25 same.

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<p>1 MR VICTOR DAWES: Just by the look of it, when we take                  2 a look at the pictures, we can see the new ones are                  3 obviously different from the old ones, not just in terms                  4 of colour. Residents also said, and I'm going to show                  5 you some more pictures, the level of being translucent                  6 is different as well. When you arrived at the scene and                  7 when you can touch it, you can feel that they are                  8 different to the touch.                  9 MR KU SIU PING: Yes.                  10 MR VICTOR DAWES: Wouldn't you question that? Would you                  11 find there is a need to produce a new certificate or                  12 more investigation?                  13 MR KU SIU PING: Well, we couldn't say that the colour is                  14 different so a new certificate should be provided. And                  15 they could have said the old ones had been used for                  16 quite some time and the new ones are just lately                  17 replaced. The old scaffolding nets had two layers,                  18 whereas the new one just had one layer, hence the                  19 difference in terms of the level of translucence.                  20 MR VICTOR DAWES: So why the difference? Why two layers and                  21 one layer?                  22 MR KU SIU PING: When the external walls were chiseled, the                  23 level of protection needed to be greater.                  24 However, when it becomes to plastering, it's                  25 different from chiselling.</p>	<p>1 scaffolding nets are safe to be used."                  2 Let's refer to page 8700. Can you see that all                  3 scaffolding nets are not fire-retardant?                  4 MR KU SIU PING: Yes.                  5 MR VICTOR DAWES: Please refer to page 8706. Page 8707. It                  6 was asked whether the old scaffolding nets were checked                  7 to be up to safety standard, any safety hazards. Right?                  8 MR KU SIU PING: Yes.                  9 MR VICTOR DAWES: But let's go to page 8706 regarding the                  10 safety of scaffolding nets. What is the answer?                  11 MR KU SIU PING: That is in relation to fire retardancy.                  12 Based on this reply, we focused on the concerns of                  13 Mr Kong. That is about the strength of old scaffolding                  14 nets. He tried to tear the scaffolding apart and he                  15 could do so with his bare hands, hence our concerns at                  16 that time.                  17 On 28 October, when we carried out the on-site                  18 inspections, we tried --                  19 MR VICTOR DAWES: Well, hold on. Let's not talk about the                  20 inspections. The complainant made a complaint about the                  21 fire retardancy of scaffolding nets because he was                  22 concerned about the risks of fire. Of course you did                  23 something, but the complainant wasn't there.                  24 Now let's go over your reply. If the concern of                  25 Mr Kong is whether the scaffolding nets could be set</p>
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<p>1 MR VICTOR DAWES: Because of this, they said the same                  2 supplier, they told you so, and then you just let it be.                  3 MR KU SIU PING: The RI representative was at the scene as                  4 well. They provided us with the certificate of the old                  5 scaffolding net which was the same as the one we had                  6 received, and that would have become meaningless.                  7 MR VICTOR DAWES: I'm concerned about how you see                  8 scaffolding nets. If we take a look at I1-2, page 8706.                  9 It was sent by Ms Lau and I believe you had been shown                  10 this one; is that correct?                  11 MR KU SIU PING: Yes.                  12 MR VICTOR DAWES: In paragraph 4, regarding the incident you                  13 mentioned to us:                  14 "Our team already conducted a site inspection                  15 together with the registered inspector. We have found                  16 that some of the protections on the external wall were                  17 still inadequate including scaffolding net materials,                  18 scaffolding nets", and so on.                  19 MR KU SIU PING: Right.                  20 MR VICTOR DAWES: "There were holes in these materials.                  21 Since the typhoon last month, they had started restoring                  22 the scaffolding nets and scaffolding. Regarding this,                  23 we have instructed the contractor to as soon as possible                  24 recover the scaffolding nets and qualified personnel                  25 would have to sign a certificate to prove that the</p>	<p>1 ablaze, then your answer actually didn't really answer                  2 the question.                  3 MR KU SIU PING: Regarding old scaffolding nets, we have                  4 already dealt with fire retardancy.                  5 MR VICTOR DAWES: Where? Where was it set out in the reply?                  6 MR KU SIU PING: In this complaint.                  7 MR VICTOR DAWES: No.                  8 MR KU SIU PING: Right --                  9 MR VICTOR DAWES: In your answer you didn't provide any                  10 answer in relation to the complaint made by the                  11 complainant; do you agree?                  12 MR KU SIU PING: Agree. I'd like to add something.                  13 MR VICTOR DAWES: Please.                  14 MR KU SIU PING: Here we didn't reply in relation to the                  15 fire retardancy of the scaffolding nets. We sent                  16 emails.                  17 MR VICTOR DAWES: That's what I don't understand. Members                  18 of the public have made a complaint, you said you have                  19 done something, but why didn't you tell them you had                  20 already done? When you replied, members of the public                  21 would feel that you had not done so.                  22 MR KU SIU PING: Right.                  23 MR VICTOR DAWES: You referred to the tests conducted. You                  24 already said that you had experience in this case; you                  25 tried to burn the scaffolding nets. And in your eight</p>

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<p>1 years of experience in the ICU you only conducted fire</p> <p>2 tests with the scaffolding nets in Wang Fuk Court only,</p> <p>3 not other housing estates.</p> <p>4 MR KU SIU PING: Right.</p> <p>5 MR VICTOR DAWES: Nor did you send the scaffolding nets to</p> <p>6 any laboratory to test the fire retardancy of such nets.</p> <p>7 MR KU SIU PING: Correct. I'd like to add something.</p> <p>8 MR VICTOR DAWES: Please.</p> <p>9 MR KU SIU PING: If we need to send scaffolding nets to the</p> <p>10 government laboratory for tests, we would need proof for</p> <p>11 rigged scaffolding nets. In this case, we would have to</p> <p>12 collect evidence. In a case of concerns of residents,</p> <p>13 at this stage we would only check the certificates of</p> <p>14 the scaffolding nets. We wouldn't send nets to</p> <p>15 government laboratory whenever we receive a complaint.</p> <p>16 MR VICTOR DAWES: I understand. You mean you do need</p> <p>17 a basis upon which you would send the scaffolding nets</p> <p>18 to the government laboratory, but then you didn't check</p> <p>19 the certificate either. It'd be difficult for you to</p> <p>20 tell whether the certificate is authentic or not or</p> <p>21 whether the nets are authentic or not.</p> <p>22 MR KU SIU PING: (Answer not interpreted).</p> <p>23 MR VICTOR DAWES: If you just rely on the certificate or the</p> <p>24 standard thereon, it'd be difficult for you to check</p> <p>25 whether the scaffolding nets were not authentic.</p>	<p>1 requirements, that is GB 5725, we need to draw reference</p> <p>2 from the laboratory tests.</p> <p>3 MR VICTOR DAWES: Right.</p> <p>4 MR KU SIU PING: In addition to checking the certificates,</p> <p>5 although the BD had not done so, we felt that doing such</p> <p>6 tests would provide reference and value.</p> <p>7 MR VICTOR DAWES: I believe you have noticed what Ms Cheung</p> <p>8 Yuk Ching said; they would not burn scaffolding nets on</p> <p>9 site.</p> <p>10 MR KU SIU PING: Right.</p> <p>11 MR VICTOR DAWES: Because they felt it was not accurate.</p> <p>12 They said it would have to be conducted in a laboratory.</p> <p>13 On-site you conducted a fire test but it is possible</p> <p>14 that you could not test the real fire retardancy of the</p> <p>15 scaffolding nets, and to residents this might be an even</p> <p>16 more serious issue. They might be under the false</p> <p>17 impression that the scaffolding nets are fire-retardant.</p> <p>18 Do you agree?</p> <p>19 MR KU SIU PING: Don't quite. Probably someone had rigged</p> <p>20 the scaffolding nets, not because we have conducted</p> <p>21 additional quick tests.</p> <p>22 MR VICTOR DAWES: Therefore the cause is that someone has</p> <p>23 manipulated the process, someone has hung</p> <p>24 non-fire-retardant scaffolding nets?</p> <p>25 MR KU SIU PING: If the scaffolding nets on the ground had</p>
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<p>1 MR KU SIU PING: Right.</p> <p>2 MR VICTOR DAWES: And on that occasion you tried to burn the</p> <p>3 scaffolding nets. No one asked you to do so and it was</p> <p>4 your own decision; is that correct?</p> <p>5 MR KU SIU PING: Yes.</p> <p>6 MR VICTOR DAWES: Regarding the accuracy of burning</p> <p>7 scaffolding nets, you said so in your third witness</p> <p>8 statement, page 2135 in WS14, paragraph 21. You said</p> <p>9 this in the witness statement:</p> <p>10 "It is however worth noting that, unlike laboratory</p> <p>11 tests which are performed in a controlled environment in</p> <p>12 strict accordance with well-established standards, there</p> <p>13 is no well-recognised industry standard for conducting</p> <p>14 on-site quick tests. Notwithstanding so and as an</p> <p>15 ancillary measure, such quick tests served to provide</p> <p>16 a practical (albeit rough) indication of the fire</p> <p>17 retardancy of the scaffolding nets under actual site</p> <p>18 conditions."</p> <p>19 In other words, can I put it this way, you were</p> <p>20 denying the accuracy of the quick test you conducted and</p> <p>21 you said it was a practical, albeit rough, indication to</p> <p>22 check whether the scaffolding nets met the fire</p> <p>23 retardancy requirements; am I right in saying so?</p> <p>24 MR KU SIU PING: Yes. But I'd like to add something.</p> <p>25 Whether the scaffolding nets meets fire retardancy</p>	<p>1 not been replaced, probably we could have discovered the</p> <p>2 problem.</p> <p>3 MR VICTOR DAWES: Let's move on to another area: foam</p> <p>4 boards. 1823 complaint, it was received in September</p> <p>5 2024. Let's refer to I1-4, page 8230. Can you see fire</p> <p>6 risk concern?</p> <p>7 MR KU SIU PING: Yes.</p> <p>8 MR VICTOR DAWES: It was found that it was not</p> <p>9 fire-retardant, and as I understand, the national</p> <p>10 standard for fire retardancy is B1 foam board. The</p> <p>11 management committee said such foam boards would be used</p> <p>12 to protect the windows of every unit. Do you see that?</p> <p>13 MR KU SIU PING: Yes.</p> <p>14 MR VICTOR DAWES: You said every unit's windows would be</p> <p>15 covered with foam boards; right?</p> <p>16 MR KU SIU PING: Right.</p> <p>17 MR VICTOR DAWES: There are Facebook links in the message.</p> <p>18 In addition to these links, there are three pictures.</p> <p>19 Please refer to page 8242. From 8242 to 8243 you can</p> <p>20 see some pictures. There's much foam board on the</p> <p>21 ground. The packaging hadn't been opened.</p> <p>22 In your reply, as we can see on page 8244, this</p> <p>23 reply was sent by the ICU. Is it an automatic reply or</p> <p>24 did someone need to manually prepare this email?</p> <p>25 MR KU SIU PING: Someone prepared it manually.</p>

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<p>1 MR VICTOR DAWES: On 20 September there was this complaint                  2 and you had asked Ms Amanda Lau to arrange for a                  3 low-profile inspection.                  4 If we refer to page 8751, we can see:                  5 "I will consult SBS/BC."                  6 What is SBS/BC?                  7 MR KU SIU PING: Mr Tse Kam Ming, Franco, the consultant                  8 seconded from the BD.                  9 MR VICTOR DAWES: In your first witness statement you said                  10 that you had verbally asked Mr Tse, on 25 September.                  11 That is after this; is that correct?                  12 MR KU SIU PING: Yes.                  13 MR VICTOR DAWES: You took a look at it and then afterwards                  14 you asked him. You didn't ask him before the                  15 inspection; is that correct?                  16 MR KU SIU PING: Right.                  17 MR VICTOR DAWES: The first time you went to board for                  18 inspection was 25 September. With whom did you go?                  19 MR KU SIU PING: Ms Amanda Lau and another colleague, Edward                  20 Chan. He wasn't responsible for Wang Fuk Court, but he                  21 hopped in our car and we just went together.                  22 MR VICTOR DAWES: Paragraph 53 of your thirist witness                  23 statement, that is page 2147, you mentioned you had                  24 probably met with the RC, that is the representative of                  25 Prestige.</p>	<p>1 foam board as referred to by the complainant; right?                  2 MR KU SIU PING: Yes.                  3 MR VICTOR DAWES: And you got in the lift and went upstairs.                  4 By the corridor you saw a foam board put on the windows.                  5 Page 8994, this is the window of the fire escape?                  6 MR KU SIU PING: The lobby window.                  7 MR VICTOR DAWES: On the lobby window there is the foam                  8 board. You didn't walk up the escape route. So that's                  9 the lobby.                  10 MR KU SIU PING: Right.                  11 MR VICTOR DAWES: September 2024, quite a lot of windows                  12 have been sealed up with foam boards, and you saw that,                  13 didn't you?                  14 MR KU SIU PING: No. At that time, there were some CO2                  15 boards on the ground floor. We went to the top floor,                  16 we saw this one.                  17 MR VICTOR DAWES: You saw just one?                  18 MR KU SIU PING: Yes. And we went back downstairs, down to                  19 the ground floor.                  20 MR VICTOR DAWES: Did you notice any other windows being                  21 sealed up like this?                  22 MR KU SIU PING: There are three blocks where they have been                  23 covered with nets so we couldn't see it.                  24 MR VICTOR DAWES: So would you say this is right: in October                  25 2024 the foam boards were not on the windows. That's an</p>
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<p>1 MR KU SIU PING: Yes.                  2 MR VICTOR DAWES: You even discussed the issue of foam                  3 boards but you do not have a very clear memory of this.                  4 MR KU SIU PING: Right.                  5 MR VICTOR DAWES: You provided your observations in                  6 paragraphs 51 and 52. Let's zoom out. In these two                  7 paragraphs we can see that blocks F, G, H, that is                  8 Wang Cheong, Wang Shing and Wang Chi, had scaffolding                  9 that's erected. You also saw five blocks without nets.                  10 MR KU SIU PING: Right.                  11 MR VICTOR DAWES: Five blocks were not covered with foam                  12 boards.                  13 MR KU SIU PING: Right.                  14 MR VICTOR DAWES: You also mention CO2 ecologically healthy                  15 floor-warming tiles.                  16 Let's refer to I1-4/8991. 8992, we can see on these                  17 two pages much board is placed on the ground. And 8997                  18 and 8999, we can also see such boards. Do you remember                  19 them?                  20 MR KU SIU PING: Yes.                  21 MR VICTOR DAWES: Were these pictures taken by you yourself                  22 or you people?                  23 MR KU SIU PING: Yes.                  24 MR VICTOR DAWES: As you set out in your first witness                  25 statement, the materials placed on the ground were the</p>	<p>1 incorrect statement, isn't it?                  2 MR KU SIU PING: 28 October 2024, I'm not sure about the                  3 residential dwellings.                  4 MR VICTOR DAWES: But you saw definitely some windows have                  5 been sealed up. You only saw this one, so that's why                  6 you didn't explore about others.                  7 MR KU SIU PING: We only saw this one. For the residential                  8 units, we couldn't see them from the outside.                  9 MR VICTOR DAWES: The fact that you didn't see them doesn't                  10 mean they have not been sealed up.                  11 MR KU SIU PING: Right.                  12 MR VICTOR DAWES: So many residents know when the windows                  13 were sealed up. In October 2024 the windows were not                  14 sealed up and we received emails to say that at that                  15 time the windows were sealed up. That's from the                  16 residents. You wouldn't say this is incorrect?                  17 MR KU SIU PING: Right.                  18 THE HON MR JUSTICE DAVID LOK: Let me ask, why didn't you                  19 see them? There is the scaffolding, there may be the                  20 nets. Why is it that you didn't see the windows being                  21 sealed up?                  22 MR KU SIU PING: When the nets are up, this is the nets with                  23 very, very close mesh, we couldn't see through the nets.                  24 This one, it is the closed eye kind of nets with the                  25 mesh size very, very small.</p>

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<p>1 MR VICTOR DAWES: Some complain that the foam boards are</p> <p>2 liable to be combustible, and you saw all these foam</p> <p>3 boards and you saw the window being sealed up, but you</p> <p>4 didn't go into detail about it. You didn't ask about</p> <p>5 the blocks that have been sealed with foam boards. You</p> <p>6 didn't show any concern?</p> <p>7 MR KU SIU PING: No. Let me explain. On 28 October, on the</p> <p>8 ground floor there were the CO2 boards. So we, together</p> <p>9 with the contractors, went there to hear some</p> <p>10 explanation. We didn't realise that the foam boards</p> <p>11 were put there. So we asked them about the hacking</p> <p>12 process and how the sealing would take place. On</p> <p>13 28 October they told us that they would do this three</p> <p>14 floor by three floor every time. So this is the</p> <p>15 operational process they would go through. So they</p> <p>16 would be sealing up the windows as they go through the</p> <p>17 hacking process.</p> <p>18 MR VICTOR DAWES: So you just take them on trust. If you</p> <p>19 don't go to look at the three blocks with nets up, this</p> <p>20 is inaccurate, but you didn't pursue the matter; right?</p> <p>21 MR KU SIU PING: We trusted the explanations of the RI and</p> <p>22 the RC about the process. So at that time we didn't</p> <p>23 think that what they said was wrong. They changed their</p> <p>24 practice subsequently.</p> <p>25 MR VICTOR DAWES: In your inspection -- first, the email</p>	<p>1 MR VICTOR DAWES: Can I say it like this: you heard the</p> <p>2 explanation, you find it acceptable. Anything in</p> <p>3 writing to record that?</p> <p>4 MR KU SIU PING: No.</p> <p>5 MR VICTOR DAWES: Why not?</p> <p>6 MR KU SIU PING: At that time we focused on the resolution</p> <p>7 of the complaints. With the benefit of hindsight, if</p> <p>8 we had the instructions written down, it would be a</p> <p>9 better approach.</p> <p>10 MR VICTOR DAWES: You then asked Franco Tse.</p> <p>11 MR KU SIU PING: Yes.</p> <p>12 MR VICTOR DAWES: If you go to the first statement, page 50</p> <p>13 of WS18/650, item 2, you said Mr Tse told you foam board</p> <p>14 is not building works; right?</p> <p>15 MR KU SIU PING: Right.</p> <p>16 MR VICTOR DAWES: And the use of the temporary foam boards</p> <p>17 is not an unauthorised building works; right?</p> <p>18 MR KU SIU PING: Right.</p> <p>19 MR VICTOR DAWES: Page 32, the second statement, page 685,</p> <p>20 you said you asked the FSD?</p> <p>21 MR KU SIU PING: Right.</p> <p>22 MR VICTOR DAWES: "ICU was given to understand such use of</p> <p>23 foam boards was not considered as building works and</p> <p>24 there was neither requirement at the BO nor stipulated</p> <p>25 guidelines in any regulations, rules, codes of practice</p>
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<p>1 that generated the inspection said that there would be</p> <p>2 windows sealed up. 1,984 units are there and the</p> <p>3 windows are sealed up.</p> <p>4 MR KU SIU PING: But they're not sealed up at the same time.</p> <p>5 MR VICTOR DAWES: You didn't ask anybody about the blocks</p> <p>6 being sealed up. The chairman asked you a question, you</p> <p>7 said you could see from the outside. If Prestige told</p> <p>8 you that, they were lying through their teeth because of</p> <p>9 the other blocks and the windows have been sealed up?</p> <p>10 MR KU SIU PING: On 28 October there were five blocks.</p> <p>11 MR VICTOR DAWES: Three blocks have sealed.</p> <p>12 MR KU SIU PING: Yes. Scaffolding has gone up and they have</p> <p>13 started the work and they told us that they would</p> <p>14 proceed every three floors. We thought that their</p> <p>15 explanation was reasonable.</p> <p>16 MR VICTOR DAWES: They told you that and you didn't</p> <p>17 test-burn the foam?</p> <p>18 MR KU SIU PING: No, we didn't on that day.</p> <p>19 MR VICTOR DAWES: Did you ask them for the certificate about</p> <p>20 the flame retardancy of the foam board?</p> <p>21 MR KU SIU PING: No, I didn't. If I may explain here. At</p> <p>22 that time they explained to us they would go by three</p> <p>23 floor by -- every time and the risk would be manageable.</p> <p>24 And there is no need for BR16. So we didn't ask for</p> <p>25 this certificate.</p>	<p>1 and standards regarding the use of foam boards as</p> <p>2 temporary protection ..."</p> <p>3 So the temporary use of these foam boards, there is</p> <p>4 no regulation; is that right?</p> <p>5 MR KU SIU PING: My understanding is that we're talking</p> <p>6 about the hacking off period. That's for short-term</p> <p>7 operational period. It's not for long-term basis so it</p> <p>8 doesn't contravene BR16.</p> <p>9 MR VICTOR DAWES: First statement, paragraph 57, page 2149.</p> <p>10 Line 3:</p> <p>11 "I explained to Mr Tse that my team had received an</p> <p>12 enquiry about the use of foam boards for temporary</p> <p>13 protection of windows and asked whether such use of foam</p> <p>14 boards would contravene any regulations or guidelines</p> <p>15 issued by BD. Despite that there was no written record</p> <p>16 of our discussions that day ..."</p> <p>17 So no record there.</p> <p>18 And then you said:</p> <p>19 "... I recall Mr Tse advised that the said use of</p> <p>20 foam boards was not considered as building works and</p> <p>21 that there is no requirement on the fire-retardant</p> <p>22 properties ..."</p> <p>23 And then you went on to say:</p> <p>24 "He advised that as the said use of foam boards</p> <p>25 would not be considered as UBWs, it would not be</p>

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<p>1 actionable.</p> <p>2 This largely aligned with my ... understanding ..."</p> <p>3 So that's your recollection because there is no</p> <p>4 written record.</p> <p>5 MR KU SIU PING: Yes.</p> <p>6 MR VICTOR DAWES: Although there is no written record, but</p> <p>7 you remember vividly what the conversation was?</p> <p>8 MR KU SIU PING: Yes.</p> <p>9 MR VICTOR DAWES: If this is a formal complaint, of course</p> <p>10 there are residents complaining, you also went there to</p> <p>11 have a look for yourself, you discussed this with the</p> <p>12 contractor and then you asked your colleague about this</p> <p>13 issue. You've done so much. Not a single word to</p> <p>14 record that. Is that your usual practice?</p> <p>15 MR KU SIU PING: At that time I met Franco, and 28 October</p> <p>16 I heard --</p> <p>17 MR VICTOR DAWES: The sequence might not be the same, but</p> <p>18 the question is the same one.</p> <p>19 MR KU SIU PING: We have the opportunity to consult Franco.</p> <p>20 We work in the same office. So we would normally write</p> <p>21 up an email about the conversation. That may not be the</p> <p>22 usual practice. With the benefit of hindsight, if</p> <p>23 a record exists, that certainly would be good to protect</p> <p>24 everyone.</p> <p>25 MR VICTOR DAWES: Not just to protect yourself. There is a</p>	<p>1 and your observation is that possibly the foam boards</p> <p>2 might be deployed extensively.</p> <p>3 MR KU SIU PING: Right. There are eight blocks. As to the</p> <p>4 extent to which this is done, whether this is done at</p> <p>5 the same time, I'm not sure.</p> <p>6 MR VICTOR DAWES: Mr Tse said it wouldn't be impossible for</p> <p>7 him to agree that sealing the window with foam boards</p> <p>8 would be consistent with BR16. He said this because you</p> <p>9 didn't give him the information and he didn't remember</p> <p>10 saying that this to you. Do you think that Mr Tse's</p> <p>11 explanation is reasonable?</p> <p>12 MR KU SIU PING: Well, that's a fact.</p> <p>13 MR VICTOR DAWES: What fact? His memory or your memory?</p> <p>14 MR KU SIU PING: My memory.</p> <p>15 MR VICTOR DAWES: So you did ask him?</p> <p>16 MR KU SIU PING: Yes.</p> <p>17 MR VICTOR DAWES: Do you agree with Mr Tse -- it's one thing</p> <p>18 whether you agree with Mr Tse. Your statement is</p> <p>19 interesting. Sealing up the window with foam boards is</p> <p>20 not building works, it's not UBW. Well, let me put it</p> <p>21 this way. I want to make it sufficiently clear. It's</p> <p>22 not UBW, it's not building work; it doesn't mean it is</p> <p>23 not in contravention of BR16?</p> <p>24 MR KU SIU PING: Agree.</p> <p>25 MR VICTOR DAWES: In your understanding, if three floors are</p>
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<p>1 written record for us to go back on. If there is such</p> <p>2 a work, we want something to go by.</p> <p>3 MR KU SIU PING: Right.</p> <p>4 MR VICTOR DAWES: Mr Tse said he doesn't remember talking to</p> <p>5 you about that. He doesn't know -- he hasn't seen the</p> <p>6 reply by the ICU to the complainant. Would you dispute</p> <p>7 what he said?</p> <p>8 MR KU SIU PING: On that day I asked Mr Tse, we went down</p> <p>9 there, we didn't know much about the windows. So we had</p> <p>10 the verbal explanation to Mr Tse.</p> <p>11 MR VICTOR DAWES: You hadn't given him any information?</p> <p>12 MR KU SIU PING: Right. But I just verbally conveyed what</p> <p>13 I know to Mr Tse. Sealing up the window with foam</p> <p>14 boards is temporary work.</p> <p>15 MR VICTOR DAWES: To be fair to you, at that time you didn't</p> <p>16 say how many windows have been sealed up by the foam</p> <p>17 board.</p> <p>18 MR KU SIU PING: Right.</p> <p>19 MR VICTOR DAWES: Paragraph 58 of your first statement, you</p> <p>20 didn't know in Wang Fuk Court all the windows for every</p> <p>21 household would have the windows sealed up on</p> <p>22 a long-term basis; right?</p> <p>23 MR KU SIU PING: Right.</p> <p>24 MR VICTOR DAWES: On 25 September you visited Wang Fuk</p> <p>25 Court, you saw so many foam boards on the ground floor</p>	<p>1 sealed up for hacking, there are no problems; right?</p> <p>2 MR KU SIU PING: Right.</p> <p>3 MR VICTOR DAWES: Let me put this to you. Your present</p> <p>4 position, do you still hold the same position that</p> <p>5 sealing up the windows with foam boards does it</p> <p>6 contravene BR16?</p> <p>7 MR KU SIU PING: We always think that if sealing windows for</p> <p>8 a long time would be against the BR, but if they do it a</p> <p>9 few floors every time, then it would not be against</p> <p>10 BR16(1). This is consistent with the BD's position.</p> <p>11 The AD, Mr Yue, of BD in his statement, paragraph 72,</p> <p>12 mentions that if this is done extensively it would be</p> <p>13 against the law.</p> <p>14 MR VICTOR DAWES: You're very familiar with his statement.</p> <p>15 MR KU SIU PING: If they are doing it on a small scale, not</p> <p>16 for a long time, then it would not be against the law.</p> <p>17 MR VICTOR DAWES: Mr Yue may be saying this, but there is</p> <p>18 another saying foam board on windows is also against the</p> <p>19 building regulation. Do you agree?</p> <p>20 MR KU SIU PING: If this is done for the long term, I agree.</p> <p>21 So it should not be for the long term, then it may not</p> <p>22 be against the law.</p> <p>23 MR VICTOR DAWES: How long? How many days will the windows</p> <p>24 be sealed up? Would this be against the law?</p> <p>25 MR KU SIU PING: There is no explanation.</p>

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<p>1 MR VICTOR DAWES: Can I put it this way. If I put it                  2 bluntly, you have been fooled or deceived by Prestige                  3 and Will Power.                  4 MR KU SIU PING: Right. With the benefit of hindsight.                  5 MR VICTOR DAWES: At that time, if you knew that, then you                  6 wouldn't have been deceived, so we're talking about                  7 today.                  8 Your first statement said that if you knew that                  9 windows were sealed like these, then you considered                  10 issuing the suspension order.                  11 MR KU SIU PING: Right.                  12 MR VICTOR DAWES: So with the benefit of hindsight, after                  13 the inspection in 2025, you visited Wang Fuk Court, all                  14 the windows had been sealed up. You would have taken                  15 measures, you would have suspended the work.                  16 MR KU SIU PING: Right. On 28 October, after the inspection                  17 we have not received any complaints/enquiries about the                  18 foam board from the residents. If the windows are                  19 sealed up on a long-term basis, it would generate                  20 complaints.                  21 MR VICTOR DAWES: My question is this. There were some                  22 complaints about the windows being sealed up and the                  23 contractor said they wouldn't do that. In Wang Fuk                  24 Court all the windows have been sealed up for a long                  25 time. How long did that happen for?</p>	<p>1 MR VICTOR DAWES: Paragraph 35, WS1, page 686. Here you                  2 said the RC undertook to you, and Will Power, as you                  3 said, they explained that the materials would be removed                  4 after they've completed the hacking, and you did not                  5 receive any complaints in October 2024, so on the face                  6 of it, there was no cogent evidence to prove that the                  7 statement of the RI was incorrect. That was your                  8 stance; right?                  9 MR KU SIU PING: Right.                  10 MR VICTOR DAWES: So you were fooled and the reason why you                  11 did not know about that, because you wrongly believed in                  12 the RI and the RC; and secondly there was no complaint.                  13 Am I right to put it that way?                  14 MR KU SIU PING: There's also one thing. Hacking and then                  15 removing the protective materials is an approach adopted                  16 by the trade. It is not infeasible.                  17 MR VICTOR DAWES: In paragraph 10 of your second statement                  18 you said that you -- you did not completely ignore that                  19 because on 18 November 2024 you conducted a site visit?                  20 MR KU SIU PING: Yes.                  21 MR VICTOR DAWES: You said that you went there pursuant to                  22 some other complaint?                  23 MR KU SIU PING: Right.                  24 MR VICTOR DAWES: Those relating to nets. You said that you                  25 asked the RC whether there was any follow-up action</p>
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<p>1 MR KU SIU PING: Looking at the papers, it has been more                  2 than a year. So for more than a year.                  3 MR VICTOR DAWES: You still did not notice that because                  4 residents did not complain. Is it reasonable to put it                  5 that way?                  6 MR KU SIU PING: In relation to temporary boarding up of                  7 windows, according to the contractor, they were talking                  8 about boarding them up during hacking. And if they were                  9 left there for such a long time after the hacking                  10 process, that would not be normal.                  11 MR VICTOR DAWES: Let me ask you again to see if you can                  12 answer me. It was there for over a year but you did not                  13 know because there was no complaint; is that the case?                  14 MR KU SIU PING: That's one of the reasons. Afterwards, we                  15 saw from some documents in January 2025 -- we saw                  16 exchanges between residents and the contractor. We                  17 wondered why the temporary protective materials were not                  18 there. The contractor said that that was there                  19 temporarily under the hacking process.                  20 MR VICTOR DAWES: At that time did you look into it?                  21 MR KU SIU PING: On 17 January 2025 I saw the email. After                  22 I've seen it, I forwarded it to my colleague.                  23 MR VICTOR DAWES: After seeing the email you came to the                  24 conclusion that there was no boarding up?                  25 MR KU SIU PING: (Answer not interpreted).</p>	<p>1 after 28 October.                  2 MR KU SIU PING: Yes.                  3 MR VICTOR DAWES: And the RC replied in the affirmative.                  4 MR KU SIU PING: Yes.                  5 MR VICTOR DAWES: You believed them and you did not                  6 investigate further?                  7 MR KU SIU PING: We asked questions at that time. That was                  8 28 November 2024. Although we did not receive                  9 complaints from residents, it was still hot so we asked                  10 them to remove the temporary protection after hacking as                  11 soon as possible.                  12 MR VICTOR DAWES: For the residents, having the windows                  13 boarded up was intolerable. We know that from the end                  14 of August 2024 until November 2025, for a lot of the                  15 households, their windows were boarded up for a long                  16 time. We know that now.                  17 In 2024 you received a series of complaints showing                  18 that foam boards were used to cover the windows. Let's                  19 look at I1-4/8467.                  20 You can tell at a glance that these were fully                  21 boarded up; right?                  22 MR KU SIU PING: Yes.                  23 MR VICTOR DAWES: In paragraph 7 of your second statement,                  24 you were frank. You said that, looking back, perhaps                  25 the windows depicted in the pictures were covered by</p>

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1 foam boards but you did not notice that at that time;  
 2 right?  
 3 MR KU SIU PING: Right.  
 4 MR VICTOR DAWES: But it's not just this photo. On  
 5 21 January 2025 you conducted investigations on other  
 6 matters.  
 7 Paragraph 16 of your witness statement, page 679.  
 8 You said looking back at the photos of the windows, it  
 9 seemed that the windows were boarded up and you deduced  
 10 that they were foam boards; right?  
 11 MR KU SIU PING: Right.  
 12 MR VICTOR DAWES: And at that time you noticed that it was  
 13 covered but you did not pay special attention to it.  
 14 Let's look at I1-4, page 9066. These are the photos.  
 15 MR KU SIU PING: Yes.  
 16 MR VICTOR DAWES: Now you can see it, but back then?  
 17 MR KU SIU PING: No.  
 18 MR VICTOR DAWES: Who looked at the pictures at that time?  
 19 MR KU SIU PING: The photos were dated on 21 January 2025.  
 20 We went there to look at air-conditioner hoods and not  
 21 other matters.  
 22 MR VICTOR DAWES: There are two things. My question was who  
 23 went to have a look, and you answered me as to what it  
 24 was about. First, did you see the photos?  
 25 MR KU SIU PING: Yes.

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1 MR VICTOR DAWES: So two or three months ago the contractors  
 2 told you that they were doing it three floors at a time.  
 3 When you conducted the inspection, you saw all the  
 4 windows were boarded up. You did not feel that you were  
 5 fooled?  
 6 MR KU SIU PING: This picture shows the office, not domestic  
 7 units. First of all, there were workers doing their  
 8 work around there so they were covered up. And there  
 9 was concrete hacking work, hence the protection. This  
 10 does not mean that the same applies to upper floors.  
 11 MR VICTOR DAWES: You are telling me that -- well, you think  
 12 this way now. Did you think this way back then?  
 13 MR KU SIU PING: It did not occur to me at that time. Can  
 14 I say that at that time my attention was somewhere else.  
 15 MR VICTOR DAWES: Yes, but I was asking you a different  
 16 thing. My question was very simple. Let me ask again.  
 17 You were concerned about foam boards covering  
 18 windows.  
 19 MR KU SIU PING: Yes.  
 20 MR VICTOR DAWES: Two or three months ago you looked into  
 21 this matter. In January 2025 someone sent you a photo.  
 22 Yes, it was about another matter, but the picture  
 23 depicts windows being covered by foam boards. You said  
 24 you did think about foam board but after thinking about  
 25 it, you thought that it was not a problem.

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1 MR KU SIU PING: Those photos, indeed we did not notice  
 2 that.  
 3 MR VICTOR DAWES: I'm talking about this one.  
 4 MR KU SIU PING: Not this one. We did not notice this one.  
 5 THE HON MR JUSTICE DAVID LOK: You did not pay attention to  
 6 this one?  
 7 MR VICTOR DAWES: Would it be more reasonable to say that  
 8 you did not pay attention to it because it's rather  
 9 unacceptable that you have paid attention to this and  
 10 you accepted the situation?  
 11 Let me say one more thing. You took the photo.  
 12 It's not sent by residents.  
 13 MR KU SIU PING: We took it.  
 14 MR VICTOR DAWES: Someone went there to take it?  
 15 MR KU SIU PING: Yes.  
 16 MR VICTOR DAWES: Who?  
 17 MR KU SIU PING: Perhaps it was Mr Li Ka Ho, my colleague.  
 18 MR VICTOR DAWES: Then he should have seen that many windows  
 19 were covered by foam boards.  
 20 MR KU SIU PING: Yes. But this photo was about the concrete  
 21 support, the window's bay.  
 22 MR VICTOR DAWES: Well, two months later, Ms Lau received  
 23 from Will Power a PowerPoint presentation with 79 pages.  
 24 Let's go to page 9634 in I1-2.  
 25 MR KU SIU PING: At that time we knew there was an AGM

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1 talking about repair of air-conditioner hood. Ms Lau  
 2 received information about the meeting. There was a  
 3 discussion about the repair of the hood. According to  
 4 the contractor, the repair did not attract additional  
 5 cost. Ms Lau, having seen the agenda, noticed some  
 6 additional cost so she was concerned and asked  
 7 Will Power about the repair method. She wanted to find  
 8 out why there was a discrepancy from what she saw and  
 9 what she heard.  
 10 MR VICTOR DAWES: So it was a matter of concern not just to  
 11 Ms Lau but you too?  
 12 MR KU SIU PING: I did not know at that time. Ms Lau was  
 13 the one involved.  
 14 MR VICTOR DAWES: Did you look at this document?  
 15 MR KU SIU PING: It was afterwards in May.  
 16 MR VICTOR DAWES: So a few months later.  
 17 Now, let's turn to page 9681.  
 18 We're talking about air-conditioning hood but  
 19 windows were covered up. This time, did you find that  
 20 problematic or not?  
 21 MR KU SIU PING: We did not go there. I did not read  
 22 through the 79 pages. When I read it in May, it was  
 23 about repair of concrete.  
 24 MR VICTOR DAWES: You did not read through all the pages.  
 25 You might have skipped some.

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<p>1 Now let's turn to page 9665. 9666, the next page.                  2 And then 9668. 9669. 9670, 9674, 9672. Just go                  3 through it. Take your time. 9675, 9676, 9677, 9678,                  4 9679, 9680, 9681, 9684. Finally we see some windows not                  5 covered.                  6 Now, 9708, 9710, 9711, 9712.                  7 Let's look at two clips taken at around the same                  8 time. I2/C(2)23B250312.                  9 (Video played)                  10 VIDEO RECORDING: This block is okay.                  11 THE HON MR JUSTICE DAVID LOK: Can you give me the reference                  12 of the clip?                  13 MR VICTOR DAWES: I2/C(2)23B250312.                  14 And there's another one.                  15 (Video played)                  16 MR VICTOR DAWES: I understand the clip shows the hacking,                  17 not the window. My question is we've seen the                  18 PowerPoint and the clips. To find windows not covered                  19 up is not easy. You say you did not go through all the                  20 pages, but you have leafed through the document. It's                  21 not possible for you not to see that a majority of the                  22 windows were covered up. Am I right to say that?                  23 MR KU SIU PING: At that time, when we deal with it, our                  24 attention was not on the windows but some other things.                  25 If you look at the clips, at a glance, at that time you</p>	<p>1 focus would be on the hacking. Let's look at I1-4,                  2 page 9083. In June, windows covered, still covered.                  3 And at that time you still did not notice that?                  4 MR KU SIU PING: Right.                  5 MR VICTOR DAWES: Because at that time you were talking                  6 about waterproofing work on air-conditioner hood, so                  7 your attention was not on the windows.                  8 MR KU SIU PING: Right. Let me explain. The units was                  9 actually an office, not a domestic unit. So I would not                  10 automatically think that is the same for upper floors                  11 because very often the offices would be covered the                  12 whole time.                  13 MR VICTOR DAWES: Why?                  14 MR KU SIU PING: Because they did not want to see workers                  15 walking around. It's done for privacy.                  16 MR VICTOR DAWES: That's 3 June. A couple of weeks later                  17 there were other complaints. On 11 and 12 June you                  18 received complaints about water leakage. To follow up,                  19 Ms Lau looked into the matter with the RI and RC on                  20 27 June and 2 July. You could see some photo exchanges.                  21 I1-4/8876.                  22 This is the RI representative. Pages 8876 to 8880,                  23 that's with RC, so actually Prestige. Windows were                  24 covered.                  25 MR VICTOR DAWES: spkr We have a large amount of video</p>
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<p>1 would not notice the foam boards because your attention                  2 was on the hacking.                  3 MR VICTOR DAWES: I understand that your attention would be                  4 on the hacking and I do agree that the clip is about                  5 hacking but you've been concerned about windows being                  6 covered up. The contractor said something. If you                  7 recall what they said, and if you see the information,                  8 it's impossible for you not to think that you've been                  9 misled; is that right?                  10 MR KU SIU PING: If I did notice the condition of the                  11 windows, then I would have looked again. But at that                  12 time my colleagues or I myself, when watching the                  13 videos, did not notice that.                  14 MR VICTOR DAWES: You've forgotten about the windows being                  15 covered up?                  16 MR KU SIU PING: For some time. Because on 28 October we                  17 thought that it was not an issue anymore. That's why we                  18 did not notice that.                  19 MR VICTOR DAWES: There was no record about the complaints                  20 or the way you handle it. How would you be able to                  21 recall about the windows being covered?                  22 MR KU SIU PING: It's not right to say it this way.                  23 MR VICTOR DAWES: Of course, after having handled it, you                  24 might not vividly remember it when you are talking                  25 about -- when you are looking at hacking, then your</p>	<p>1 recordings and photos. You have records and the records                  2 you gave us were rather complete and we can see from the                  3 record that most of the time windows were covered up.                  4 And you said, "I believe that" -- it's not contended                  5 that you've been fooled and the whole time we can see                  6 that windows were covered up, it's just that you did not                  7 notice that. Am I fair to put it this way?                  8 MR KU SIU PING: Yes.                  9 THE HON MR JUSTICE DAVID LOK: Mr Dawes, would you cover                  10 matters relating to reply to the correspondence?                  11 MR VICTOR DAWES: No, not if we have the same one in mind.                  12 THE HON MR JUSTICE DAVID LOK: Because the answer was very                  13 adamant and clear in the reply.                  14 MR VICTOR DAWES: Perhaps I will go to that afterwards.                  15 THE HON MR JUSTICE DAVID LOK: I don't know whether it's                  16 because there were complaints that it was worded in such                  17 a firm way.                  18 MR VICTOR DAWES: Put it this way. You didn't come to                  19 realise this issue, so neither Will Power nor Prestige                  20 followed up on this issue; is that correct?                  21 MR KU SIU PING: Regarding foam boards, there wasn't any                  22 complaint, and hacking was done to the whole building.                  23 The mosaic tiles on the external wall were hacked. So                  24 for the temporary protection measures, they were                  25 temporary protection measures for hacking. And after</p>

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1 hacking was done, there shouldn't be any temporary  
 2 protection. When was hacking done? It was conducted in  
 3 phases. In January 2025 I believe two to three blocks  
 4 had already finished with hacking.  
 5 MR VICTOR DAWES: You said two to three blocks. Did you see  
 6 that two to three blocks had already finished with  
 7 hacking?  
 8 MR KU SIU PING: When we were on the ground we saw there  
 9 weren't any mosaic tiles on the ground, so hacking was  
 10 finished.  
 11 MR VICTOR DAWES: When you looked up, you should have  
 12 discovered that they were covered up. There were nets.  
 13 Do you mean you cannot see that?  
 14 MR KU SIU PING: Correct.  
 15 THE HON MR JUSTICE DAVID LOK: Please have a break. It's  
 16 about time.  
 17 MR VICTOR DAWES: Let me finish this question first.  
 18 I understand when there were nets so you couldn't  
 19 see that. And when hacking was done, there weren't any  
 20 nets. Do you only believe so or did you believe so?  
 21 MR KU SIU PING: Well, at that time, those were protection  
 22 measures for hacking.  
 23 MR VICTOR DAWES: So all along you had this point in your  
 24 mind. When you saw these pictures it's impossible for  
 25 you not to have any response.

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1 MR KU SIU PING: These pictures show water leakage and  
 2 Ms Lau received complaints from residents that in their  
 3 units there were water leakage.  
 4 MR VICTOR DAWES: Did you see them? Do not just quote  
 5 Ms Lau.  
 6 Thank you. It's an appropriate time for a break.  
 7 THE HON MR JUSTICE DAVID LOK: The hearing is stood down for  
 8 10 minutes.  
 9 (3.22 pm)  
 10 (A short adjournment)  
 11 (3.33 pm)  
 12 THE HON MR JUSTICE DAVID LOK: Please carry on, Mr Dawes.  
 13 MR VICTOR DAWES: Thank you.  
 14 Mr Ku, we are now going to see how you handled the  
 15 complaint. Your concern was due to the fact that  
 16 someone made a complaint about foam boards and then you  
 17 said, as there were no complaints afterwards, you didn't  
 18 handle that afterwards.  
 19 Let's refer to II-4, page 8249. As you can see,  
 20 Ms Lau asked the FSD on 7 October 2024. As there was  
 21 a referral about the issue of foam boards, she said, "In  
 22 order to get a consistent answer, can you tell us what  
 23 you think?"  
 24 That was asked on 7 October. You can see the date.  
 25 Let's scroll further up. And then 1 November. The FSD

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1 didn't reply?  
 2 MR KU SIU PING: (Answer not interpreted).  
 3 MR VICTOR DAWES: As you did not get a reply from the FSD,  
 4 Ms Amanda Lau just replied to the complainant. Let's go  
 5 to page 8251. Please refer to this answer. In the  
 6 third paragraph:  
 7 "Based on the understanding of our department, the  
 8 IO started the repair works in June this year. Such  
 9 works were conducted under the supervision of  
 10 Will Power, including restoring the external wall  
 11 structure such as cracks. In the course of such works,  
 12 foam boards were used to cover windows as temporary  
 13 protection measures. As we understand, there is no  
 14 legislation or regulation to require such protection  
 15 materials need to meet fire-retardant requirements.  
 16 However, we know the contractors are using  
 17 fire-retardant foam boards as temporary protection  
 18 measures. We will refer the case to FSD for further  
 19 advice. You can ask the management company or the OC  
 20 for further enquiries and you can also make reports to  
 21 them in relation to your enquiries."  
 22 Do you agree with this reply and have you read this  
 23 reply?  
 24 MR KU SIU PING: For this reply, Ms Amanda Lau discussed  
 25 with me.

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1 MR VICTOR DAWES: In your evidence you found that there  
 2 weren't any issues as that was only done to three  
 3 storeys at a time, and it seems that this practice was  
 4 not explained to the complainant.  
 5 MR KU SIU PING: Right.  
 6 MR VICTOR DAWES: You did mention temporary protection, in  
 7 order to be fair to you. It's interesting to know that  
 8 contractors are trying to use fire-retardant foam boards  
 9 as temporary protection. Does it mean that the  
 10 contractor isn't using fire-retardant foam boards but  
 11 they will try to use fire-retardant foam boards?  
 12 MR KU SIU PING: The contractor said that they would use  
 13 fire-retardant foam boards.  
 14 MR VICTOR DAWES: In other words, what they were using  
 15 wasn't fire-retardant; is that correct?  
 16 MR KU SIU PING: Well, they were using CO2 boards and those  
 17 boards were not fire-retardant.  
 18 MR VICTOR DAWES: Then did you ask them, "You did say  
 19 you would replace it; did you?"  
 20 MR KU SIU PING: On 18 November 2024, I once discussed with  
 21 them.  
 22 MR VICTOR DAWES: That was the time when you verbally told  
 23 them and when they said, "Yes, replace; they are  
 24 fire-retardant", and you believed them.  
 25 MR KU SIU PING: On 28 October 2024 they said that they did

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1 so every three floors or three floors at a time. That  
 2 means that works were conducted in a short period of  
 3 time every time they did it.  
 4 MR VICTOR DAWES: Well, two questions. The first, you  
 5 discussed with them and the risks were minimised or  
 6 reduced because they did so three floors at a time.  
 7 MR KU SIU PING: Right.  
 8 MR VICTOR DAWES: And foam boards, are they fire-retardant,  
 9 these are two separate issues.  
 10 MR KU SIU PING: Right.  
 11 MR VICTOR DAWES: They said, "The current ones aren't  
 12 fire-retardant and we will replace them with  
 13 fire-retardant". Did you follow up on.  
 14 MR KU SIU PING: It? The follow-up was on 18 November.  
 15 They said that they had already followed up on it.  
 16 MR VICTOR DAWES: And then you just let it be.  
 17 MR KU SIU PING: I'd like to add something. On 28 December,  
 18 when we knew that they were conducting, so three floors  
 19 at a time, then the risks had already been reduced.  
 20 MR VICTOR DAWES: What do you mean? Do you mean that even  
 21 if they are not fire-retardant, no problem?  
 22 MR KU SIU PING: Well, they were doing such works three  
 23 floors at a time. And it didn't necessarily violate the  
 24 relevant regulation. That is BR16(1). When they  
 25 switched to using fire-retardant foam boards, it wasn't

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1 a statutory requirement, in fact. It was an additional  
 2 measure regarding foam boards or temporary protection.  
 3 The BD did not issue any guidelines in this regard,  
 4 regarding what standards to comply with.  
 5 MR VICTOR DAWES: Let me cut in on you. You set out very  
 6 clearly in your evidence. What you said is in  
 7 paragraph 59 of your witness statement, that is your  
 8 first one. Let me refer you to the same paragraph.  
 9 "ICU is also unaware that there is any specific  
 10 guideline on the use or standards of foam board ..."  
 11 Where the cursor is.  
 12 MR KU SIU PING: Yes.  
 13 MR VICTOR DAWES: Since there is no standard, why did Ms Lau  
 14 say they would use -- they switch back to  
 15 flame-retardant foam board? There is no standard. How  
 16 can you find something which is up to standard?  
 17 MR KU SIU PING: We were quoting from the contractor, what  
 18 they promised. The contractor undertook to use  
 19 fire-retardant foam boards. So there was no standard  
 20 per se at that time. But there may be some foam boards  
 21 that are fire-retardant, although there is no standard  
 22 like the scaffold nets.  
 23 MR VICTOR DAWES: Let's turn to page 8251:  
 24 "We understand the contractor uses foam board that  
 25 has fire retardancy."

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1 This is not a correct statement, is it, because  
 2 there is no standard?  
 3 MR KU SIU PING: Yes, the wording is not sufficiently clear.  
 4 MR VICTOR DAWES: You were told you can rest assure the way  
 5 they proceed, they would proceed three floors. At the  
 6 time they're done, they would be removing the foam  
 7 boards. So they told you that, and residents  
 8 subsequently complained to you that's not how they  
 9 proceed, the windows were sealed up for a whole year,  
 10 you must find this a little bit problematic; right?  
 11 MR KU SIU PING: Right.  
 12 MR VICTOR DAWES: Since there were no complaints, you didn't  
 13 follow up?  
 14 MR KU SIU PING: Right.  
 15 MR VICTOR DAWES: That's the reason. Because if there were  
 16 complaints, you wouldn't be sitting around like that?  
 17 MR KU SIU PING: Right.  
 18 MR VICTOR DAWES: So to monitor whether they are proceeding  
 19 floor by floor three at a time, you really want to find  
 20 out whether they are proceeding like this.  
 21 MR KU SIU PING: Right.  
 22 MR VICTOR DAWES: So if the residents find that they're not  
 23 doing it like this, they would talk to you?  
 24 MR KU SIU PING: If we receive complaints like this --  
 25 MR VICTOR DAWES: My question is the contractor says

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1 they would proceed according to a model. If they are  
 2 not doing this the same way, you would like the  
 3 residents to tell you; right?  
 4 MR KU SIU PING: Right.  
 5 MR VICTOR DAWES: So why would you say that if there are  
 6 enquiries they can talk to the IO and so on? If this is  
 7 not resolved, you should tell them to approach you. Why  
 8 would you deflect this to somebody else?  
 9 MR KU SIU PING: Obviously it would be fine.  
 10 MR VICTOR DAWES: But you're asking them not to approach  
 11 you.  
 12 MR KU SIU PING: If they have any problems, they can  
 13 approach us.  
 14 MR VICTOR DAWES: Other problems to approach you, but not  
 15 this one.  
 16 MR KU SIU PING: Obviously we welcome the residents. Of  
 17 course they can go to the IO. And if they approach us,  
 18 we follow up.  
 19 MR VICTOR DAWES: So if they go to the IO, the IO will  
 20 approach you.  
 21 Another issue is what the chairman said. You told  
 22 them that there are no problems, so why would they  
 23 approach you?  
 24 Can you answer the question?  
 25 MR KU SIU PING: I can't comment on this.

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<p>1 MR VICTOR DAWES: I believe you would agree: within the                  2 15 months, if you ask every single resident in Wang Fuk                  3 Court, they would tell you that they promised proceeding                  4 three floors at a time, and I'm sure if you asked the                  5 residents, they would tell you that they are telling                  6 lies; this is not how they do it. Right?                  7 MR KU SIU PING: Right.                  8 MR VICTOR DAWES: But the way you deal with this means that                  9 no resident would complain to you and they told a lie;                  10 is it correct? That may be your intention, but that's                  11 the unintended consequence; right?                  12 MR KU SIU PING: Agree. If I may supplement. We wouldn't                  13 anticipate that the RI or the RC, being professionals,                  14 they wouldn't expect them to do it like this. With the                  15 benefit of hindsight indeed, in answer to the residents,                  16 it would be far better to make things clearer.                  17 MR VICTOR DAWES: This morning I asked you this. There are                  18 some unscrupulous RIs and RCs. You've been in the ICU                  19 for so long, you must know about it.                  20 MR KU SIU PING: Yes, there are some in the trade.                  21 MR VICTOR DAWES: Why is it you just take them on trust like                  22 this?                  23 MR KU SIU PING: We couldn't anticipate that that was an                  24 unscrupulous one.                  25 MR VICTOR DAWES: Be that as it may, for the next 10 months</p>	<p>1 MR KU SIU PING: Yes.                  2 MR VICTOR DAWES: Let's turn to page 8285, the reply there.                  3 Would you read these replies?                  4 MR KU SIU PING: They would be copied to me.                  5 MR VICTOR DAWES: Would you read them?                  6 MR KU SIU PING: Yes, I would.                  7 MR VICTOR DAWES: ICU says that the requested RI to make                  8 sure that the net materials are fire-retardant and                  9 smoking is referred to the Labour Department.                  10 MR KU SIU PING: Right.                  11 MR VICTOR DAWES: It is about smoking. You refer this to                  12 the Labour Department.                  13 MR KU SIU PING: Yes. But when we receive these complaints                  14 about smoking, during our site walk we would remind the                  15 RI or the contractor or indeed we would remind the RI of                  16 the issue of smoking and draw their attention to that,                  17 not just referring them to the Labour Department.                  18 MR VICTOR DAWES: I'm not expecting too high a bar, but you                  19 didn't seem to have made any reply regarding the                  20 problems.                  21 MR KU SIU PING: Right.                  22 MR VICTOR DAWES: Why not?                  23 MR KU SIU PING: Well, the foam board was followed up on                  24 28 October. We replied on other issues maybe with the                  25 exception of this one.</p>
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<p>1 or so you didn't explore this issue with RC or RI for                  2 some reasons. First, you didn't have any written                  3 record. You probably forgotten about it; right?                  4 MR KU SIU PING: Yes.                  5 MR VICTOR DAWES: Second, can I put it this way, you did not                  6 show any more concern about this issue.                  7 MR KU SIU PING: There was nothing else that triggered any                  8 suspicion on our part.                  9 MR VICTOR DAWES: Let's look at the way you deal with other                  10 complaints. There is smoking by workers. You referred                  11 to the Labour Department. Is it consistent with your                  12 recollection?                  13 MR KU SIU PING: Yes.                  14 MR VICTOR DAWES: There are complaints about the tendering                  15 issue. You advised them to go to the Competition                  16 Commission or the URA. I don't propose to go into                  17 detail about that, but that's our understanding.                  18 MR KU SIU PING: Right.                  19 MR VICTOR DAWES: Let's cite some examples. In October 2024                  20 there was a complaint, I1-4/8281. 2 October, the                  21 complaint is about the scaffold nets, workers smoking,                  22 and also foam boards.                  23 Second paragraph. The previous page, perhaps. Here                  24 you see this page, this is received through the computer                  25 system. This is 1823?</p>	<p>1 MR VICTOR DAWES: This is on 7 November.                  2 MR KU SIU PING: Right.                  3 MR VICTOR DAWES: And you've been really concerned about                  4 this issue during that period?                  5 MR KU SIU PING: Yes, smoking, scaffolding nets.                  6 MR VICTOR DAWES: Foam boards.                  7 MR KU SIU PING: Yes.                  8 MR VICTOR DAWES: But it's strange why you didn't answer                  9 this.                  10 MR KU SIU PING: Right.                  11 MR VICTOR DAWES: You gave a reply where that complaint had                  12 been dealt with?                  13 MR KU SIU PING: Yes.                  14 MR VICTOR DAWES: Page 8445. There is a Dr Lau Chung Man;                  15 do you know?                  16 MR KU SIU PING: Yes.                  17 MR VICTOR DAWES: Have you seen this among the complainants?                  18 MR KU SIU PING: Yes.                  19 MR VICTOR DAWES: You probably remember his?                  20 MR KU SIU PING: Yes.                  21 MR VICTOR DAWES: For all manner of issues relating the                  22 major renovation he lodged a lot of complaints; right?                  23 MR KU SIU PING: Right.                  24 MR VICTOR DAWES: Because he is personally concerned about                  25 this; right?</p>

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<p>1 MR KU SIU PING: Yes.</p> <p>2 MR VICTOR DAWES: He asked ICU, "The RI, who is the RI?"</p> <p>3 8444, Madam Lau's reply, 7 April:</p> <p>4 "RI is appointed by the IO and information is</p> <p>5 referred to you by the IO and it's not proposed for you</p> <p>6 to disclose the details."</p> <p>7 Have you head the replies?</p> <p>8 MR KU SIU PING: Yes, I have.</p> <p>9 MR VICTOR DAWES: I2/9716. That's another bundle. Ms Lau</p> <p>10 asked Will Power whether they would let people know:</p> <p>11 "We do not want to disclose RI ... to any third</p> <p>12 party ..."</p> <p>13 Everybody knows who the RI is in Wang Fuk Court?</p> <p>14 MR KU SIU PING: Yes, they should.</p> <p>15 MR VICTOR DAWES: Let me put this to you. Your position</p> <p>16 regarding the RI, you are supervising them?</p> <p>17 MR KU SIU PING: Yes, we are supervising them. But in the</p> <p>18 system, when we --</p> <p>19 MR VICTOR DAWES: Sorry, I got it wrong.</p> <p>20 You're saying that in between the first form and the</p> <p>21 completion of the form you would not supervise them, but</p> <p>22 sometimes you do the supervision; right?</p> <p>23 MR KU SIU PING: Right.</p> <p>24 MR VICTOR DAWES: In this interim period, you would act on</p> <p>25 complaints and you would be dealing with complaints?</p>	<p>1 complaints. That's the views of the residents. You</p> <p>2 didn't know that because you're not part of the chat</p> <p>3 group. I'm just showing you what they said.</p> <p>4 Obviously, the residents did pin high hope on you.</p> <p>5 I think this is only reasonable.</p> <p>6 MR KU SIU PING: Yes.</p> <p>7 MR VICTOR DAWES: The two probably wanted to be consultant</p> <p>8 and the contractor. You rely on their self-discipline.</p> <p>9 Obviously that would present problems.</p> <p>10 MR KU SIU PING: That's a problem of the system.</p> <p>11 MR VICTOR DAWES: We talked about the system before the</p> <p>12 fire.</p> <p>13 MR KU SIU PING: Right.</p> <p>14 MR VICTOR DAWES: So we won't understand that there are</p> <p>15 problems with the system. So let me put this to you.</p> <p>16 Since September 2024 to October 2025, before the fire,</p> <p>17 would you agree that the ICU in the system or for your</p> <p>18 colleagues, they were doing things that leave so much to</p> <p>19 be desired?</p> <p>20 MR KU SIU PING: Yes, I agree, with the benefit of</p> <p>21 hindsight, because the system leaves something to be</p> <p>22 desired. During the renovation we received 40 to 50</p> <p>23 complaints and we did deal with them, each and every one</p> <p>24 of them.</p> <p>25 MR VICTOR DAWES: You've been to the site. There are two</p>
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<p>1 MR KU SIU PING: Yes, we deal with complaints.</p> <p>2 MR VICTOR DAWES: If you have to keep RI under wraps, how</p> <p>3 can people lodge complaints?</p> <p>4 MR KU SIU PING: Well, we will have to ascertain whether we</p> <p>5 are at liberty to disclose the information to the</p> <p>6 residents. The information can be obtained from the IO.</p> <p>7 MR VICTOR DAWES: Let me finally show you a WhatsApp group.</p> <p>8 F4/1349. This is the renovation chat group, 11 o'clock.</p> <p>9 The manager, Manager Lai, 11:07. That's Mr Tony Tsui.</p> <p>10 Manager Lai talks about the routine inspection by ICU at</p> <p>11 11. Candy Cheung asks when. Manager Lai says,</p> <p>12 "Irregular time".</p> <p>13 And Candy Cheung asks about the solar panel company.</p> <p>14 And Mr Tony Tsui said:</p> <p>15 "... put them in a proper location and the ICU is</p> <p>16 not doing their job."</p> <p>17 And then:</p> <p>18 "I expect to follow up on a complaint case about</p> <p>19 dripping air conditioner or the mosaic tiles not done</p> <p>20 properly at the windowsill."</p> <p>21 And they hope the ICU will investigate. But it</p> <p>22 seems that they wouldn't be looking at this. If the ICU</p> <p>23 did check it, then they can say ICU did go through that.</p> <p>24 Mr Tsui was the chairman of the IO and he expressed</p> <p>25 disappointment that you wouldn't be bothered about their</p>	<p>1 things. There are some complaints that are of concern</p> <p>2 to you but you didn't follow up, like the foam board.</p> <p>3 Agree?</p> <p>4 MR KU SIU PING: I don't agree.</p> <p>5 MR VICTOR DAWES: Not agree? Agree or not agree? Agree or</p> <p>6 disagree?</p> <p>7 MR KU SIU PING: I don't quite agree.</p> <p>8 MR VICTOR DAWES: Why?</p> <p>9 MR KU SIU PING: For foam boards we received the complaints</p> <p>10 and we did follow up.</p> <p>11 MR VICTOR DAWES: You have already explained that. I don't</p> <p>12 think we differ. You did ask the contractor and</p> <p>13 thereafter you didn't follow up on this anymore?</p> <p>14 MR KU SIU PING: There were no more complaints.</p> <p>15 MR VICTOR DAWES: That's the issue, no more complaints, you</p> <p>16 didn't follow up, you didn't do anything.</p> <p>17 MR KU SIU PING: Complaint is one of them. We also have the</p> <p>18 residents' Q&amp;A sessions, and our understanding is that</p> <p>19 the foam boards are there during the hacking period and</p> <p>20 thereafter they would be removed, and that was our</p> <p>21 understanding at the time.</p> <p>22 THE HON MR JUSTICE DAVID LOK: Can I put it this way. You</p> <p>23 did follow up, but you didn't follow up thoroughly. For</p> <p>24 the foam boards, they have been used to seal up the</p> <p>25 windows and you didn't follow up. You did follow up, as</p>

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<p>1 you said, but if you follow up more thoroughly, you must</p> <p>2 have picked this up.</p> <p>3 MR KU SIU PING: It is with the benefit of hindsight, indeed</p> <p>4 there are areas that we could have done better.</p> <p>5 MR VICTOR DAWES: Now let's go back to foam board as an</p> <p>6 example. The RI or the contractor told you something.</p> <p>7 If you had been to Wang Fuk for an inspection, looking</p> <p>8 at the windows during the 15 months, then you would have</p> <p>9 known that you've been fooled?</p> <p>10 MR KU SIU PING: When we conducted site inspections, we</p> <p>11 focused on the matter in the complaint. If we're</p> <p>12 looking from the outside, with nets covering the</p> <p>13 buildings, it was not easy to see that.</p> <p>14 MR VICTOR DAWES: If you were there to see if windows were</p> <p>15 covered, you would be able to do it.</p> <p>16 MR KU SIU PING: Yes, but we would have to go to the unit.</p> <p>17 In addition to the scaffolding, there was also the fan.</p> <p>18 MR VICTOR DAWES: But thousands of people have had their</p> <p>19 windows covered up; right?</p> <p>20 MR KU SIU PING: Yes.</p> <p>21 MR VICTOR DAWES: The management office knew about that?</p> <p>22 MR KU SIU PING: Yes.</p> <p>23 MR VICTOR DAWES: The RI knew about that?</p> <p>24 MR KU SIU PING: The representative of the RI knew.</p> <p>25 MR VICTOR DAWES: Right. You did not go to the RI. His</p>	<p>1 to inform the RI?</p> <p>2 MR KU SIU PING: Right.</p> <p>3 MR JEFFREY TAM: Is there a practice of the ICU that before</p> <p>4 notifying the RI, the ICU would first visit the site to</p> <p>5 have a look? Was there such a practice?</p> <p>6 MR KU SIU PING: When we received a complaint, if that's</p> <p>7 warranted, then we would do it. In Wang Fuk Court, say</p> <p>8 in the first inspection, that is 25 September 2024, we</p> <p>9 on our own initiative went there to conduct a site</p> <p>10 visit.</p> <p>11 MR JEFFREY TAM: How come in the inspection on</p> <p>12 28 October 2025 this practice was not adopted?</p> <p>13 MR KU SIU PING: Mr Kong Cheung Fat's complaint was about</p> <p>14 the aging of the old nets. That was about the condition</p> <p>15 of the scaffolding nets. So the result would be the</p> <p>16 same whether we went there or not.</p> <p>17 MR JEFFREY TAM: The condition of the old nets was one of</p> <p>18 the reasons for the checks. Another reason was the</p> <p>19 specs as well as the fire retardancy of new and old</p> <p>20 nets.</p> <p>21 MR KU SIU PING: Right.</p> <p>22 MR JEFFREY TAM: I want you to look at II-4, page 8767. You</p> <p>23 confirmed this morning that Ms Lau acted on your</p> <p>24 instructions, hence the reply?</p> <p>25 MR KU SIU PING: Right.</p>
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<p>1 name is Ng Yeuk; literally in Chinese it means "no</p> <p>2 appointment".</p> <p>3 After the fire, what measures did the ICU put in</p> <p>4 place? The lessons learned from the incident. What has</p> <p>5 been changed by the ICU? I'll give you a chance to say</p> <p>6 that.</p> <p>7 MR KU SIU PING: In the previous system, from the start to</p> <p>8 the finish, there was no inspection, but now the ICU and</p> <p>9 the BD have introduced a mechanism for inspection. The</p> <p>10 ICU will conduct an inspection once every four months in</p> <p>11 major renovation projects. We also require the RI to</p> <p>12 compile and give us a record of their regular checks,</p> <p>13 which was not required previously, and they did.</p> <p>14 MR VICTOR DAWES: RI or RC?</p> <p>15 MR KU SIU PING: RI. When we select cases for checks, we</p> <p>16 use the computer system and there was no pre-designed</p> <p>17 location or projects, and that's an improvement.</p> <p>18 MR VICTOR DAWES: Thank you, Mr Ku, for your assistance.</p> <p>19 I don't have any other questions.</p> <p>20 THE HON MR JUSTICE DAVID LOK: Other involved parties?</p> <p>21 Perhaps the Government will have the last go.</p> <p>22 Examination by MR JEFFREY TAM</p> <p>23 MR JEFFREY TAM: Mr Ku, my name is Tam. I represent some</p> <p>24 residents. I have some questions for you. First, about</p> <p>25 notices. According to you, sometimes there was a need</p>	<p>1 MR JEFFREY TAM: It says that:</p> <p>2 "We want to know about the specs and fire retardancy</p> <p>3 of new and old nets. Mr Ku would like to arrange for</p> <p>4 random tests for each block."</p> <p>5 I agree that whether the old nets were brittle is</p> <p>6 one of the reasons. Another reason was the specs, as</p> <p>7 well as fire retardancy, of old and new nets. How come</p> <p>8 at that time the ICU did not consider conducting an</p> <p>9 inspection first before informing the RI?</p> <p>10 MR KU SIU PING: In this case we would not be able to -- we</p> <p>11 did not think about what the RI would be able to do to</p> <p>12 rig the test.</p> <p>13 MR JEFFREY TAM: According to the assistant director of the</p> <p>14 BD, Ms Cheung, she said that, if necessary, they would</p> <p>15 take photos first and then use it for comparison. Is</p> <p>16 that your practice as well?</p> <p>17 MR KU SIU PING: What Ms Cheung said was a practice after</p> <p>18 December 2025 with the issuance of a new practice notes.</p> <p>19 When new nets arrived in Hong Kong, then accredited labs</p> <p>20 would be used to test the nets. When they passed,</p> <p>21 within seven days the BD would have to be informed and</p> <p>22 then the BD would arrange for a random check. In this</p> <p>23 case, the contractor would be notified. But before</p> <p>24 that, the BD would take photos during a site inspection</p> <p>25 first before doing the random check. That's after the</p>

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1 fire. It's in the new practice notes in December 2025.  
 2 MR JEFFREY TAM: My understanding was that she was not just  
 3 talking about after December 2025. In any event, before  
 4 November 2025, was there a practice in the ICU that  
 5 they would first go to the site to take pictures before  
 6 notifying RIs?  
 7 MR KU SIU PING: There is no such practice with the MBIS  
 8 team.  
 9 MR JEFFREY TAM: I would like to ask you another question.  
 10 Your original plan was to arrange for random tests for  
 11 each block.  
 12 MR KU SIU PING: At that time, I might not have said each  
 13 block. After the fire, I said, not just to Ms Lau but  
 14 to other colleagues of other complexes, regardless of  
 15 whether there was any complaints, just go to the  
 16 inspections and don't just look at nets, not just about  
 17 Wang Fuk Court.  
 18 MR JEFFREY TAM: This morning, and just now when I asked  
 19 you, Ms Lau only said so to Mr Yeung upon your  
 20 instructions.  
 21 MR KU SIU PING: I said to Ms Lau talking about an  
 22 inspection, but I did not go into details.  
 23 MR JEFFREY TAM: So that was Ms Lau who said that you wanted  
 24 to do it this way?  
 25 MR KU SIU PING: Perhaps recollections differ.

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1 MR JEFFREY TAM: In actual fact, on 28 December 2025 there  
 2 were only three tests. WS, page 2142, paragraph 39.  
 3 Tests on old nets were done on only two blocks.  
 4 MR KU SIU PING: Right.  
 5 MR JEFFREY TAM: In October and November 2024 there were  
 6 tests done on the nets at Wang Fuk Court; right?  
 7 MR KU SIU PING: Yes.  
 8 MR JEFFREY TAM: In November 2024, you took samples from  
 9 12 locations because you said it wasn't sufficient to  
 10 only have two samples in the test in October. How come  
 11 on 28 October 2025 you only covered two blocks in  
 12 relation to the blocks?  
 13 MR KU SIU PING: The inspection on 28 October 2025, we  
 14 focused on whether there was a lower fire retardancy of  
 15 the nets, so there was no need to have that many  
 16 samples. A couple of them would help us find out the  
 17 fire retardancy after a year.  
 18 In relation to 2024, that was all new so we want to  
 19 see the fire retardancy of the different batches.  
 20 MR JEFFREY TAM: On 28 October 2025 you also tested new nets  
 21 as well. So how come in relation to new tests you only  
 22 tested such a low number? Because according to you, in  
 23 2024 you tested more.  
 24 MR KU SIU PING: During the inspection, we spotted some new  
 25 nets and we saw some new nets still in the package lying

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1 on the floor. We wanted to conduct tests. We checked  
 2 the samples from the batch on the floor because we  
 3 thought that it would be the same as the ones that had  
 4 been mounted. At that time, from what we saw, the  
 5 batches lying around would be used to replace the old  
 6 ones.  
 7 MR JEFFREY TAM: According to you, the tests done at  
 8 Wang Fuk Court was done from nets mounted. Any reason  
 9 why you took samples from those ones lying on the ground  
 10 instead of ones that have been mounted?  
 11 MR KU SIU PING: Those ones lying on the ground were new and  
 12 were still in their packages. They were there waiting  
 13 to be mounted. They were new and would give us the most  
 14 accurate result. Once they are mounted, as I said,  
 15 there will be a chance of contamination.  
 16 MR JEFFREY TAM: How come in the past you would test nets  
 17 that were mounted? I thought you wanted to test nets  
 18 that were in use, not those ones that were not used.  
 19 MR KU SIU PING: In 2024, all had been mounted. There were  
 20 no new ones on the ground. In 2025 they used the ones  
 21 lying on the ground to patch the new ones so they would  
 22 be the same.  
 23 MR JEFFREY TAM: How did you know?  
 24 MR KU SIU PING: Because they were in the process of  
 25 replacing the old ones.

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1 MR JEFFREY TAM: But you did not know whether in the end  
 2 those nets were mounted?  
 3 MR KU SIU PING: We did not stay till the end.  
 4 MR JEFFREY TAM: You said that that was not your focus. Any  
 5 other reasons?  
 6 MR KU SIU PING: No.  
 7 MR JEFFREY TAM: But that was one of the reasons why you  
 8 went there, because you received a complaint. The  
 9 complaint was about old nets. It was about not just old  
 10 nets but the fire retardancy as well.  
 11 I don't have any other questions.  
 12 THE HON MR JUSTICE DAVID LOK: Any other involved parties?  
 13 No?  
 14 Mr Suen.  
 15 Examination by MR JENKIN SUEN  
 16 MR JENKIN SUEN: Mr Ku, I have some questions to ask you to  
 17 follow up. Mr Dawes asked you questions about using  
 18 foam boards to cover windows. In your evidence you  
 19 mentioned about an exchange in a works meeting. You  
 20 forwarded the exchange in an email to other colleagues.  
 21 Let's look at them. 12, page 9630. It's a Wang Fuk  
 22 Court residents' exchange group. It's a dialogue,  
 23 a question and answer. Let's look at question 3.  
 24 Perhaps we go up first. There are four questions. Now  
 25 let's look at page 9630. First question:

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1 "How come there is no protection on the window  
 2 edges?"  
 3 Answer:  
 4 "Prestige said that there would only be protection  
 5 during hacking. Afterwards, the protective materials  
 6 would be removed."  
 7 In the works meeting exchange on 23 November 2024 is  
 8 a summary of the question and answer. I said that you  
 9 forwarded the exchange in an email to your colleagues.  
 10 Is it this one?  
 11 MR KU SIU PING: Yes.  
 12 MR JENKIN SUEN: When you saw the first question and  
 13 answer -- well, you learned from the contractor that  
 14 they would use foam boards to cover windows three floors  
 15 at a time. How is it related to the question and  
 16 answer?  
 17 MR KU SIU PING: Here it says that when hacking was done,  
 18 the protective material would be removed. That lines up  
 19 with my understanding because the protective material  
 20 would not stay there long-term.  
 21 MR JENKIN SUEN: Now let's look at another email, page 9206  
 22 in I2. Let's blow it up a bit to look at the date.  
 23 It's a forwarded email from you to Amanda Lau. It  
 24 says "Fyi", for your information; that is, to keep her  
 25 informed.

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1 Now let's scroll down. Here there are some  
 2 attachments. Please confirm if the summary of question  
 3 and answer we just saw was one of them?  
 4 MR KU SIU PING: Yes.  
 5 MR JENKIN SUEN: When you forwarded it to Amanda, why would  
 6 you do it?  
 7 MR KU SIU PING: I wanted Amanda to know about the content  
 8 of the works meeting exchange. I wanted her to be  
 9 informed of the condition of the site. The first  
 10 question was about temporary protection of the windows,  
 11 and it says that the windows would be protected during  
 12 hacking but not afterwards. I just wanted her to know.  
 13 MR JENKIN SUEN: My next question, Mr Ku, is also one  
 14 touched on by Mr Dawes. It's about something Mr Franco  
 15 Tse said in his evidence. Let's look at the transcript.  
 16 It's 27 April, hearing day number 20, page 47.  
 17 From line 10, I'll read it to you. Here Mr Tse  
 18 said -- well, let's maybe look at what he said about  
 19 section 16 of the Building (Construction) Regulation.  
 20 He said that:  
 21 "There was a need to adopt some preventive measures,  
 22 but the main point was an appropriate precautionary  
 23 measure. But as to what constitutes an appropriate  
 24 precautionary measure depends on the situation. That's  
 25 why I think that if there is hacking on the facade, say

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1 on a certain floor, there will be foam board for that  
 2 floor. When the work is done, it is removed. For such  
 3 a short time, I think that is not in violation of the  
 4 spirit of the law, not in contravention of section 16 of  
 5 the Building (Construction) Regulation, because I think  
 6 that even though there is this regulation, we need to  
 7 have some flexibility."  
 8 You cited another witness's evidence, Mr Yue from  
 9 the Buildings Department. Now we see the evidence of  
 10 Mr Tse. Do you agree with what he said or do you have  
 11 something to add?  
 12 MR KU SIU PING: I do agree with what he said. If it's just  
 13 a short time, several floors at a time, it doesn't  
 14 necessarily contravene section 16 of B(C)R.  
 15 MR JENKIN SUEN: And then Mr Tse continued:  
 16 "If you're saying that it should not be allowed at  
 17 all, honestly, I'm not an expert in large-scale  
 18 renovation, I don't know what protection materials could  
 19 provide temporary protection [English spoken, but  
 20 I believe it means translucent] to satisfy fire  
 21 requirements and transparent. At this moment, I cannot  
 22 think of any materials."  
 23 Regarding what Mr Tse said here, what is your view?  
 24 MR KU SIU PING: I agree. In relation to hacking of the  
 25 external wall in large-scale renovation works, if there

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1 is no temporary protection, the windows might be broken.  
 2 But of course we need to factor in the risks. In  
 3 a short period of time the works cannot be conducted in  
 4 a large-scale, so I agree with Mr Tse.  
 5 MR JENKIN SUEN: After learning a lesson from the fire,  
 6 targeting temporary materials, we need to tread with  
 7 caution.  
 8 I want you to take a look at page 48, also the  
 9 evidence of Mr Tse. Let's start with line 18.  
 10 Line 18, Mr Tse said:  
 11 "At the scene, when there were violations or  
 12 irregularities, an opportunity would be given to the  
 13 contractor or the consultant to explain. Of course  
 14 there were situations that we might not be able to  
 15 imagine at this moment, but I believe we need to give  
 16 opportunities to someone to explain first. This has  
 17 been our practice. Actually, not just foam boards or  
 18 even other violations in the construction site. We need  
 19 to allow people to explain. We need to hear their  
 20 explanation first. Afterwards, if we really find it  
 21 unreasonable or on the surface it's not reasonable, and  
 22 if we identify hazards, my own practice is, in the case  
 23 of a large coverage, immediately a warning should be  
 24 given and we need to request that particular object to  
 25 be removed."

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<p>1 That is what is said by Mr Tse. Regarding what</p> <p>2 Mr Tse said, regarding inspections, when there is</p> <p>3 a consultant, we need to give opportunities for the</p> <p>4 consultant to explain. After the fire, when we look</p> <p>5 back at the situation, there might be more</p> <p>6 considerations. Probably contractors had some room to</p> <p>7 rig the test.</p> <p>8 Last week Mr Tse gave evidence that a consultant</p> <p>9 should be present during an inspection so that they</p> <p>10 could offer an explanation. What is your view?</p> <p>11 MR KU SIU PING: At the time of inspections, when</p> <p>12 a consultant is present, they might have their own</p> <p>13 reasons and we are not clear about the entire</p> <p>14 procedures. When a consultant is present to explain to</p> <p>15 us or answer our questions when we have doubts, in fact,</p> <p>16 this is necessary. For other works, the same practice</p> <p>17 applies. Say for construction at the erection of</p> <p>18 a building, we have a professional to go with us and we</p> <p>19 need to review this practice.</p> <p>20 MR JENKIN SUEN: I'd like to explore another thing with you.</p> <p>21 Page 49. Just now Mr Victor Dawes asked B(P)R</p> <p>22 section 16 and whether there is any other legislation.</p> <p>23 Mr Dawes asked Mr Tse -- let's take a look at line 8.</p> <p>24 Mr Tse said:</p> <p>25 "A code of practice on fire safety quoted F5.6(f).</p>	<p>1 bundle B2.</p> <p>2 On page 1159 we can see (f) at the top of this page:</p> <p>3 "Any inflammable and combustible materials to be</p> <p>4 kept in the building should be stored under safe custody</p> <p>5 and avoid accumulating excessive quantity."</p> <p>6 It seems your explanation or Mr Tse's understanding</p> <p>7 focuses on the concept of "stored".</p> <p>8 I have two more areas to explore with you. I'll be</p> <p>9 quick. Just now Mr Dawes asked you about a document.</p> <p>10 Bundle I2, page 9634. There is a document. You said</p> <p>11 that you did not read it right away, but a few months</p> <p>12 later you did read it.</p> <p>13 Page 9634. Let's zoom out. And you can see</p> <p>14 page 9635, there are some pictures. We cannot see foam</p> <p>15 boards here, but let us scroll downwards. Page 9640,</p> <p>16 and then 9647, 9648. Let's continue to scroll</p> <p>17 downwards.</p> <p>18 Page 9656, we can see some pictures where we cannot</p> <p>19 see foam boards used to cover windows. Just now</p> <p>20 Mr Dawes showed you some other pictures where foam</p> <p>21 boards were used to cover the windows. I'd like to ask</p> <p>22 you, when you read the report, we can see the pictures</p> <p>23 where foam boards were used to cover the windows and we</p> <p>24 saw some close-up pictures. Some pictures show foam</p> <p>25 boards. While you were reading the report at that time,</p>
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<p>1 Mr Tse was asked about his understanding of that</p> <p>2 section. If there are dangerous construction materials,</p> <p>3 they need to be safely kept. If foam boards have</p> <p>4 already covered windows, in that situation, is that</p> <p>5 appropriately kept? My answer is that as the foam</p> <p>6 boards aren't placed just everywhere, instead the foam</p> <p>7 boards are used to cover the windows, that is why</p> <p>8 I don't think that those construction materials are</p> <p>9 propped here and there leading to fire risks. So in my</p> <p>10 opinion, that is not what is forbidden or what is</p> <p>11 against F5.6(f). That is my understanding."</p> <p>12 We have already talked about our understanding of</p> <p>13 the B(P)R. If we target F5.6(f), what is your view on</p> <p>14 Mr Tse's understanding? Do you have anything to add?</p> <p>15 MR KU SIU PING: I agree with Mr Tse's understanding. If we</p> <p>16 only look at F5.6(f), if we look at the literal meaning</p> <p>17 of the words, we cannot say that the foam boards used to</p> <p>18 cover the windows are against F5.6(f). It is difficult</p> <p>19 to say that -- to say whether it is safely kept when</p> <p>20 those foam boards are used to cover the windows. When</p> <p>21 the foam boards are used to cover the windows, then they</p> <p>22 have been used, not they have been stored. But I agree</p> <p>23 that the words aren't clear enough.</p> <p>24 MR JENKIN SUEN: In order to be fair, I'd like to go over</p> <p>25 F5.6(f) with you. Let's take a look at page 1159 in</p>	<p>1 do you remember whether foam boards were used to cover</p> <p>2 the windows for multiple floors, not just one floor?</p> <p>3 MR KU SIU PING: No. Those pictures are actually localised.</p> <p>4 In this PowerPoint presentation, 79 pages in total,</p> <p>5 I didn't page through all the pages of the PowerPoint</p> <p>6 presentation. I focused on the concrete spalling.</p> <p>7 MR JENKIN SUEN: I want to be fair. Of course you glanced</p> <p>8 through the pictures very quickly. Some pictures meant</p> <p>9 to show the location of the works. These pictures were</p> <p>10 taken before scaffolding. But after scaffolding was</p> <p>11 erected -- let's take a look at page 9672. You said</p> <p>12 these are localised pictures probably showing individual</p> <p>13 units or individual floors.</p> <p>14 My question is that, in the report, did you see any</p> <p>15 pictures showing multiple floors showing this same</p> <p>16 situation?</p> <p>17 MR KU SIU PING: No.</p> <p>18 MR JENKIN SUEN: And finally, my last question. At the</p> <p>19 outset, Mr Dawes asked you a question. When Wang Fuk</p> <p>20 Court was selected to be under the MBIS scheme, there is</p> <p>21 a scoring scheme or scoring system. That is the old</p> <p>22 system to which Wang Fuk Court was subjected to, and I'd</p> <p>23 like to ask you about J1-2, page 4743. Is this the new</p> <p>24 scoring system you mentioned just now?</p> <p>25 MR KU SIU PING: Yes.</p>

<p style="text-align: right;">Page 165</p> <p>1 MR JENKIN SUEN: Let us go through the system very quickly. 2 It's different from the old system. Let's see under the 3 new system how buildings are selected to be under the 4 MBIS. A, building age; B, building condition. Under 5 building conditions there are seven smaller areas, such 6 as building defects, to check whether there is any 7 defect on the building and dilapidated condition. These 8 focus on the condition of the building. Under C we have 9 "Building management", three-nil building. 10 MR KU SIU PING: Yes. They are the three-nil buildings 11 I referred to. 12 MR JENKIN SUEN: No management committee, no OC, and so on. 13 MR KU SIU PING: Correct. 14 MR JENKIN SUEN: And D we can see "Critical building 15 elements". That is whether there are any buildings with 16 risky elements such as canopy. And it doesn't take into 17 account any nomination made by the District Council. 18 These have been removed and are no longer under the new 19 scoring system. 20 Thank you, Mr Ku. 21 Thank you, chairman. I have no further questions. 22 THE HON MR JUSTICE DAVID LOK: No further questions? All 23 right. Thank you. 24 Mr Ku, you have finished giving evidence. Thank 25 you.</p>	
<p style="text-align: right;">Page 166</p> <p>1 (The witness was released) 2 (4.32 pm) 3 THE HON MR JUSTICE DAVID LOK: Tomorrow we're going to have 4 our second witness from the ICU. 5 (4.33 pm) 6 (The hearing adjourned until 10.00 am 7 on Thursday, 7 May 2026) 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	