

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 23
Thursday, 07 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 Ross Yuen appeared on behalf of the Urban Renewal Authority

Representatives of Department of Justice

Representatives of Competition Commission

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<p>1 Thursday, 7 May 2026</p> <p>2 (10.00 am)</p> <p>3 THE HON MR JUSTICE DAVID LOK: Mr Dawes.</p> <p>4 MR VICTOR DAWES: Chairman, members. We are going to call</p> <p>5 Mr Yung Siu Lun as the next witness.</p> <p>6 Mr Yung, good morning. Please stand up and read out</p> <p>7 the declaration in front of you.</p> <p>8 (10.00 am)</p> <p>9 MR YUNG SIU LUN (affirmed)</p> <p>10 Examination by MR VICTOR DAWES</p> <p>11 MR VICTOR DAWES: Please be seated, Mr Yung.</p> <p>12 Mr Yung, you are senior maintenance surveyor of the</p> <p>13 Independent Checking Unit?</p> <p>14 MR YUNG SIU LUN: Yes.</p> <p>15 MR VICTOR DAWES: You submitted a total of two witness</p> <p>16 statements to the Committee and I believe you can</p> <p>17 confirm that the contents of these two documents are</p> <p>18 accurate?</p> <p>19 MR YUNG SIU LUN: Yes.</p> <p>20 MR VICTOR DAWES: In your first witness statement, you</p> <p>21 stated that you are working at the ICU. On 14 October</p> <p>22 2020 you joined the ICU and you have been working at the</p> <p>23 ICU for over five years. And then you joined the minor</p> <p>24 works team, MWT, on 26 September 2024.</p> <p>25 Please tell the Independent Committee your positions</p>	<p>1 relevant plans needed to be approved by the BA with</p> <p>2 written consent before the works could be commenced."</p> <p>3 Under the MWCS, after its launch, the statutory</p> <p>4 procedures have been streamlined. Owners no longer need</p> <p>5 to wait for the consent from the BA before minor works</p> <p>6 could be carried out. But a PBP, prescribed building</p> <p>7 professional, needs to be appointed as well as</p> <p>8 prescribed registered contractor, PRC, who will be</p> <p>9 responsible for such works; am I correct?</p> <p>10 MR YUNG SIU LUN: Yes. It depends on the category or</p> <p>11 classes of the minor works as well as the contractors.</p> <p>12 MR VICTOR DAWES: In general, for works that are not minor</p> <p>13 works, such as A&A works, that is addition and</p> <p>14 alteration works, AP is the recognised person. Plans</p> <p>15 need to be submitted and the ICU, as well as the</p> <p>16 Buildings Department, will carry out site inspections to</p> <p>17 check the circumstances; am I correct?</p> <p>18 MR YUNG SIU LUN: Yes.</p> <p>19 MR VICTOR DAWES: And that is for A&A works. Regarding the</p> <p>20 MWCS, it's different. Mainly it relies on PBP and PRC</p> <p>21 to carry out inspections of minor works. Can I put it</p> <p>22 this way?</p> <p>23 MR YUNG SIU LUN: They carry out site inspections and they</p> <p>24 are responsible for design and they will consider which</p> <p>25 project will be used to finish the works.</p>
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<p>1 before joining the ICU.</p> <p>2 MR YUNG SIU LUN: Before joining the ICU, I was working at</p> <p>3 the estate management division of the Housing</p> <p>4 Department. I was responsible for the repair and</p> <p>5 maintenance of public housing estates. I'd been working</p> <p>6 in that position for four to five years.</p> <p>7 MR VICTOR DAWES: In paragraph 1 of your witness statement</p> <p>8 you said that you are the head of the minor works team.</p> <p>9 You are responsible for managing the minor works</p> <p>10 submissions, including approval and processing; right?</p> <p>11 MR YUNG SIU LUN: Yes.</p> <p>12 MR VICTOR DAWES: As a leader of the MWT, of course you</p> <p>13 community and coordinate with the Buildings Department.</p> <p>14 MR YUNG SIU LUN: Yes.</p> <p>15 MR VICTOR DAWES: One of the considerations is that ICU</p> <p>16 needs to regulate minor works and the practice needs to</p> <p>17 be in alignment with that of the BD; is that correct?</p> <p>18 MR YUNG SIU LUN: Yes.</p> <p>19 MR VICTOR DAWES: Can you tell us, the minor works system --</p> <p>20 in your second witness statement in paragraph 5, you</p> <p>21 explain this very clearly. I'm going to read out this</p> <p>22 paragraph, and you can correct me if I'm wrong:</p> <p>23 "Based on my understanding, the Minor Works Control</p> <p>24 System, before its launch all construction works needed</p> <p>25 to be approved by the Buildings Department. The</p>	<p>1 MR VICTOR DAWES: That is why in many paragraphs of your</p> <p>2 witness statement you describe this system as</p> <p>3 a self-regulation system; is that correct?</p> <p>4 MR YUNG SIU LUN: Yes.</p> <p>5 MR VICTOR DAWES: There are different classes of minor</p> <p>6 works. Classes I and II minor works, that are class I</p> <p>7 MW and class II MW, several days before the commencement</p> <p>8 of works, notice of commencement needs to be submitted;</p> <p>9 in other words, form MW01 for class I, and for class II</p> <p>10 the form is form MW03.</p> <p>11 MR YUNG SIU LUN: Yes.</p> <p>12 MR VICTOR DAWES: And that is more than the submission of</p> <p>13 a form. Before the commencement of works, some pictures</p> <p>14 need to be submitted to depict the situation before the</p> <p>15 works.</p> <p>16 MR YUNG SIU LUN: Mmm.</p> <p>17 MR VICTOR DAWES: And for more complicated class I minor</p> <p>18 works, structural calculation and supervision plans need</p> <p>19 to be submitted?</p> <p>20 MR YUNG SIU LUN: Yes. For some certain class I minor</p> <p>21 works, yes.</p> <p>22 MR VICTOR DAWES: Your witness statement also states that</p> <p>23 the BA, that is the ICU in the case of Wang Fuk Court,</p> <p>24 regulates minor works. It needs to process minor works</p> <p>25 submissions and make inspections. That is to ensure</p>

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<p>1 that the system will not be abused by contractors or</p> <p>2 professionals. This is set out in paragraph 8 of your</p> <p>3 witness statement. Right?</p> <p>4 MR YUNG SIU LUN: Mmm.</p> <p>5 MR VICTOR DAWES: You also have the statutory responsibility</p> <p>6 for ensuring that MWs are carried out in a legal and</p> <p>7 safe manner. I believe you agree?</p> <p>8 MR YUNG SIU LUN: Yes.</p> <p>9 MR VICTOR DAWES: In paragraph 9 of your second witness</p> <p>10 statement you said:</p> <p>11 "MWT in ICU, there are a total of 10 professional</p> <p>12 and technical staff members. In addition to conducting</p> <p>13 audits on MW submissions, the team is also responsible</p> <p>14 for handling enquiries and complaints ..."</p> <p>15 That is the complaints about minor works?</p> <p>16 MR YUNG SIU LUN: Yes.</p> <p>17 MR VICTOR DAWES: From the documents that we can see in the</p> <p>18 Independent Committee evidential hearing, we didn't see</p> <p>19 any follow-up on enquiries or complaints under the MWT.</p> <p>20 The relevant complaints are handled by the MBIS team</p> <p>21 headed by Mr Ku Siu Ping; am I correct?</p> <p>22 MR YUNG SIU LUN: Yes.</p> <p>23 MR VICTOR DAWES: In paragraph 39 of your first witness</p> <p>24 statement you provided an explanation. You said under</p> <p>25 the Minor Works Control System there is no requirement</p>	<p>1 MR YUNG SIU LUN: For scaffolding nets and foam boards, they</p> <p>2 are related to the MBIS team. In other words, for works</p> <p>3 relating to the MBIS team, they will be followed up by</p> <p>4 the MBIS team and this is our division of work.</p> <p>5 MR VICTOR DAWES: Your internal division of work, as it is</p> <p>6 related to the inspection of buildings, it is within</p> <p>7 their purview?</p> <p>8 MR YUNG SIU LUN: Correct. Two teams will not regulate the</p> <p>9 same matter, but of course in some cases there is such</p> <p>10 a need.</p> <p>11 MR VICTOR DAWES: In other words, it is the team under Mr Ku</p> <p>12 that will be responsible for this?</p> <p>13 MR YUNG SIU LUN: Correct.</p> <p>14 MR VICTOR DAWES: Paragraphs 70 to 71 of the third witness</p> <p>15 statement of Mr Ku explained that there is a site</p> <p>16 monitoring team, SMT.</p> <p>17 MR YUNG SIU LUN: Right.</p> <p>18 MR VICTOR DAWES: That is site monitoring section, or SMT,</p> <p>19 which is responsible for A&A works.</p> <p>20 MR YUNG SIU LUN: Right.</p> <p>21 MR VICTOR DAWES: And the SMT will not carry out inspections</p> <p>22 of the construction sites of minor works?</p> <p>23 MR YUNG SIU LUN: Yes, correct.</p> <p>24 MR VICTOR DAWES: It seems it's about audit checks and they</p> <p>25 have a role to play in this process; is that right?</p>
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<p>1 for regular inspections under the MWCS, Minor Works</p> <p>2 Control System; is that accurate?</p> <p>3 MR YUNG SIU LUN: Yes.</p> <p>4 MR VICTOR DAWES: In other words, the ICU, upon receipt of</p> <p>5 enquiries or complaints, conducts inspections. However,</p> <p>6 when no enquiries or complaints are received, regarding</p> <p>7 the minor works at Wang Fuk Court, there is no need to</p> <p>8 carry out inspections.</p> <p>9 MR YUNG SIU LUN: Correct.</p> <p>10 MR VICTOR DAWES: "There was no complaint or enquiry</p> <p>11 received specifically relating to the procedures on the</p> <p>12 MB being carried out."</p> <p>13 That is what we discussed just now. And this is</p> <p>14 what you meant?</p> <p>15 MR YUNG SIU LUN: Yes.</p> <p>16 MR VICTOR DAWES: In other words, regarding the procedures</p> <p>17 relating to minor works, only when it involves your team</p> <p>18 would you conduct inspections?</p> <p>19 MR YUNG SIU LUN: Correct.</p> <p>20 MR VICTOR DAWES: I'd like you to explain to the Independent</p> <p>21 Committee and us, during the evidential hearing we</p> <p>22 touched upon issues close to the heart of residents,</p> <p>23 including foam boards and so on. Is it because they</p> <p>24 have nothing to do with minor works, that is why you</p> <p>25 didn't carry out inspections? Can you explain?</p>	<p>1 MR YUNG SIU LUN: Yes.</p> <p>2 MR VICTOR DAWES: In your first witness statement,</p> <p>3 paragraphs 27 to 28 -- let's zoom out -- this is your</p> <p>4 explanation for the work conducted by the SMT. In</p> <p>5 paragraph 33 you also touched upon audit checks.</p> <p>6 In general, regarding the inspections conducted</p> <p>7 under the ICU, they are conducted by the MBIS team?</p> <p>8 MR YUNG SIU LUN: Correct.</p> <p>9 MR VICTOR DAWES: Let's move on to talk about the</p> <p>10 classification of minor works system. In paragraph 9 of</p> <p>11 your first witness statement you provided</p> <p>12 a well-presented table. I'd like to refer to you</p> <p>13 paragraph 9. Among the 187 works in total that are</p> <p>14 categorised as minor works, there are a total of three</p> <p>15 classes. Class I, these are high-risk works; a total of</p> <p>16 58 items owing to the high risk. Owners need to appoint</p> <p>17 a PBP as well as a PRC to be responsible for</p> <p>18 construction and design. That is class I.</p> <p>19 Class II, medium risk, 68 items. For these items,</p> <p>20 only PRC is required. PBP is not required. Right?</p> <p>21 MR YUNG SIU LUN: Correct.</p> <p>22 MR VICTOR DAWES: Class III, even simpler, low risk,</p> <p>23 61 items in total. For such works, a PRC is still</p> <p>24 required; is that correct?</p> <p>25 MR YUNG SIU LUN: Yes.</p>

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Page 10	<p>1 MR VICTOR DAWES: For class I, PBP is required, whereas for 2 class II, that is for some particular works of Wang Fuk 3 Court, in theory, a PBP isn't required. 4 MR YUNG SIU LUN: Right. 5 MR VICTOR DAWES: But as we are talking about the MBIS and 6 the works under the MBIS, therefore, RI is required? 7 MR YUNG SIU LUN: Correct. 8 MR VICTOR DAWES: Regarding the works and the amount of 9 Wang Fuk Court, they are on the high side. For all 10 eight blocks, each with 31 floors, renovations on the 11 external wall, the plastering and cement of external 12 walls will be removed, so the scale of the works is 13 quite large. A large amount of scaffolding also needed 14 to be erected. Under your system before the Wang Fuk 15 Court case, I'd like to know why these fall under the 16 category of minor works. I'd like to refer you to the 17 site monitoring team manual in I-3, page 9878. 18 In instruction 11, "Priority for A&A works", you 19 just now walked us through the alteration and addition 20 works, and that's about the site inspection priority for 21 such works. Let's move on to page 9879. 22 We can see "External A&A works", low risk and high 23 risk. 24 MR YUNG SIU LUN: Yes. 25 MR VICTOR DAWES: In the manual it is said that for high</p>	Page 12
	<p>1 risk: 2 "Typically external A&A works are considered as high 3 risk sites since the pedestrians can be affected, such 4 as: 5 (a) renovation of facade of the whole building ..." 6 In other words, according to the manual, the 7 renovation of the facade of the whole building in the 8 context of A&A work falls under the category of 9 high-risk construction sites. We understand the manual 10 is about A&A works, we know this well. However, when it 11 comes to the works at Wang Fuk Court, it's about 12 renovation of facade of the whole building. The type of 13 works is actually in line with this one. Is that right? 14 MR YUNG SIU LUN: Right. 15 MR VICTOR DAWES: Regarding the system before the fire, the 16 works at Wang Fuk Court were considered minor works, 17 that is works carrying a lower risk. I'd like you to 18 explain to us -- I believe members of the public have 19 doubts or questions in mind -- when it comes to A&A 20 works, they are high-risk works, however, when it comes 21 to large-scale renovation works, for the same type of 22 works it seems these are not at dangerous. Can you tell 23 us why? 24 MR YUNG SIU LUN: The site monitoring manager works in the 25 site monitoring team; there are A&A works. On the</p> <p>1 external wall, there might be different works. Not just 2 the facade of the whole building, there might be other 3 works at the same time. So such works will be 4 considered high-risk in the context of A&A works. 5 However, under the minor works system, mainly it's about 6 repair. Repair means only the facade is modified and 7 they will stick to the original design, that is repair 8 will be conducted based on the same design, and this is 9 less complex. That is why it is a class II minor works. 10 MR VICTOR DAWES: So in the original design, that was the 11 thinking? 12 MR YUNG SIU LUN: Yes. 13 MR VICTOR DAWES: I do appreciate why you said that, but if 14 you look at this description list, it's very clear that 15 for the renovation of facade of the whole building, it 16 is regarded as of high risk because pedestrians are 17 likely to be affected. Is it right to say that? 18 MR YUNG SIU LUN: Yes. 19 MR VICTOR DAWES: So would you agree that -- obviously this 20 is an area that you might consider improving, but 21 looking at the document, there is an obvious problem 22 there. Would you agree? 23 MR YUNG SIU LUN: Yes, I do. There is some overlapping. 24 MR VICTOR DAWES: The existing system, this kind of work has 25 been neglected, the risk has been neglected; is it fair</p>	

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1 to say that?
 2 MR YUNG SIU LUN: For the minor work, if the scope is not
 3 large, the risk would be lower.
 4 MR VICTOR DAWES: But for Wang Fuk Court, it is of broad
 5 scope.
 6 MR YUNG SIU LUN: If the scope covers the entire building on
 7 all sides, then the risk would be high.
 8 MR VICTOR DAWES: Let's have a look at the work: cladding,
 9 waterproofing, repair to the wall. That is actually the
 10 same as renovation of the facade of the whole building.
 11 MR YUNG SIU LUN: Right.
 12 MR VICTOR DAWES: In previous hearings Ms Cheung of BD said
 13 in answer to Dr Auyeung that for Wang Fuk Court it is
 14 a large-scale project. In terms of the procedures and
 15 complexity, it is lower than new buildings. That's why
 16 the minor works system applies. That's the original
 17 intent.
 18 So the question is, it is there to facilitate the
 19 owners, but in terms of safety monitoring, there is
 20 a loophole. Is it fair to say that?
 21 MR YUNG SIU LUN: We rely heavily on the contractors for
 22 minor works.
 23 MR VICTOR DAWES: Ms Cheung in her testimony said that in
 24 the aftermath of the fire, the legislation will be
 25 amended to upgrade minor work to class I and there will

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1 be tripartite monitoring. In other words, there will be
 2 an AP supervising and there will be plans covering the
 3 entire renovation procedures and there will be
 4 protective measures with a plan in place, then the BD
 5 will be inspecting before work will commence. You're
 6 aware of this thinking?
 7 MR YUNG SIU LUN: Yes, I am.
 8 MR VICTOR DAWES: Ms Cheung, in answer to the Committee's
 9 question, also admitted that as a result of the
 10 amendment, the renovation system will be similar to the
 11 A&A work system. So we are all conscious that before
 12 the fire, the supervision of major renovation seemed to
 13 be too lax. Would you agree?
 14 MR YUNG SIU LUN: I agree to the extent that we rely only on
 15 the contractors.
 16 MR VICTOR DAWES: Before the fire, the Minor Works Control
 17 System -- in your first statement paragraph 12 mentions
 18 the ICU's MWT would conduct form screening checks. By
 19 definition, in general, you will be screening the forms;
 20 is that right?
 21 MR YUNG SIU LUN: At the reception, we would have looked at
 22 the form to see whether it is in order, whether there is
 23 anything is missing, whether it is properly filled in
 24 before we will proceed.
 25 MR VICTOR DAWES: Understood. So this is the preliminary

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1 screening to see whether the form is filled in properly?
 2 MR YUNG SIU LUN: Right.
 3 MR VICTOR DAWES: After the form-screening process there
 4 will be a preliminary check. Can you tell us what this
 5 is all about?
 6 MR YUNG SIU LUN: As I said, each form will involve the
 7 professionals and the contractors. So we would examine
 8 the status of the contractor and the professionals. If
 9 they lose their status, then they cannot sign the form
 10 and we cannot proceed with the processing. So we will
 11 be checking the signature and the status of the relevant
 12 people.
 13 MR VICTOR DAWES: So that's the whole purpose.
 14 MR YUNG SIU LUN: Mmm.
 15 MR VICTOR DAWES: So obviously, for form-screening and
 16 preliminary check, at that particular stage you will not
 17 consider the details of the project?
 18 MR YUNG SIU LUN: Right.
 19 MR VICTOR DAWES: You said the forms will be checked in
 20 general terms. Subsequently, you will not look over
 21 each and every form. You will be random checking the
 22 forms in the ICU?
 23 MR YUNG SIU LUN: Right.
 24 MR VICTOR DAWES: Paragraphs 3 to 14 of your statement here,
 25 in general, there are three types of random checking:

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1 audit fundamental check, AFC, that's in paragraph 14,
 2 you explain the procedures. You also have the site
 3 audit check, that's the second type of check. The third
 4 type, paragraph 15, is the pre-commencement site audit
 5 check, PSAC in short.
 6 I will be asking you to tell us the details about
 7 these three types of checks, but first of all let me
 8 refer you to paragraph 24. There is a table there.
 9 That tells us how many forms are randomly checked.
 10 Let's say 2025, you covered 1,176 AFCs. 2025, you have
 11 received 27,585 forms. So of the 20,000-odd MW
 12 submissions, this 1,176, that takes up 5.17 per cent of
 13 the total; is that right?
 14 MR YUNG SIU LUN: Yes. AFC plus SAC plus PSAC.
 15 MR VICTOR DAWES: Right. 5.17 per cent of the total.
 16 For the SAC, paragraph 15 of your first statement,
 17 what is it all about? This is by the time work is
 18 completed, to make sure that the work is in compliance
 19 with the BO. So that's upon completion of the work.
 20 MR YUNG SIU LUN: Right.
 21 MR VICTOR DAWES: So procedurally, when work is going on,
 22 SAC wouldn't happen?
 23 MR YUNG SIU LUN: Right.
 24 MR VICTOR DAWES: 48 MW submissions for Wang Fuk Court. The
 25 work has not been completed, so for Wang Fuk Court we

Page 17	<p>1 don't have to look at the SAC at all.</p> <p>2 MR YUNG SIU LUN: Right.</p> <p>3 MR VICTOR DAWES: Now, let's turn to PSAC. Can I put it</p> <p>4 this way. It would be more narrowly defined here as</p> <p>5 Mr Jenkin Suen for the Government said at the beginning,</p> <p>6 PSAC serves more than one purpose, and that is to make</p> <p>7 sure that people will not start work prematurely. Is it</p> <p>8 right to say that?</p> <p>9 MR YUNG SIU LUN: Correct.</p> <p>10 MR VICTOR DAWES: Because under the law they are supposed to</p> <p>11 submit the commencement notice, all the relevant</p> <p>12 documents before they can commence work. But some do so</p> <p>13 prematurely. Before the right time, they already</p> <p>14 started. So this is something you'd like to avoid</p> <p>15 happening?</p> <p>16 MR YUNG SIU LUN: Right.</p> <p>17 MR VICTOR DAWES: In passing, PSAC, when you do the check,</p> <p>18 according to the internal guidelines, you will be</p> <p>19 conducting surprise checks?</p> <p>20 MR YUNG SIU LUN: Yes, that's for sure.</p> <p>21 MR VICTOR DAWES: There will be no prior notice, right, you</p> <p>22 just turn up on spec?</p> <p>23 MR YUNG SIU LUN: Right.</p> <p>24 MR VICTOR DAWES: ICU, according to the record, has never</p> <p>25 done PSAC in Wang Fuk Court?</p>	Page 19	<p>1 submissions are in compliance with the description as</p> <p>2 stipulated in schedules 1 and 3 of B(MW)R.</p> <p>3 MR YUNG SIU LUN: Mmm.</p> <p>4 MR VICTOR DAWES: Page 525, paragraph 10. If during the AFC</p> <p>5 process an obvious contravention of the BD is found, the</p> <p>6 submission will be picked up for SAC. Here it says</p> <p>7 "obvious contravention of the BO", so there would be SAC</p> <p>8 thereafter.</p> <p>9 My question for you is for this requirement, does it</p> <p>10 apply to the pre-commencement stage? Because we are</p> <p>11 dealing with the check before commencement.</p> <p>12 MR YUNG SIU LUN: Yes, before commencement, yes.</p> <p>13 MR VICTOR DAWES: So here, the site audit check, if you pick</p> <p>14 up any problems before the commencement of the work, you</p> <p>15 will do this. In the course of work, basically you will</p> <p>16 not adopt this method?</p> <p>17 MR YUNG SIU LUN: Right.</p> <p>18 THE HON MR JUSTICE DAVID LOK: Can I interject here. I'd</p> <p>19 like to clarify the links. I'm a layman here. These</p> <p>20 minor works, in Wang Fuk Court these are minor works,</p> <p>21 but in MBIS, they submit all these forms. You will be</p> <p>22 doing these checks or MBIS team will be doing the</p> <p>23 checks?</p> <p>24 MR YUNG SIU LUN: They submit the MW forms. In fact, it all</p> <p>25 depends on them, whether they are selected randomly.</p>
Page 18	<p>1 MR YUNG SIU LUN: No.</p> <p>2 MR VICTOR DAWES: We understand that in Wang Fuk Court there</p> <p>3 is a third type of check: there's an AFC. According to</p> <p>4 paragraph 14, AFC is a document check. So it would be</p> <p>5 focusing on the procedures to see whether it is in</p> <p>6 order. So this is a procedural compliance process. So</p> <p>7 please assist us, I1-1, page 459. That's a manual.</p> <p>8 Please refer to paragraph 8 on page 524.</p> <p>9 Paragraph 8:</p> <p>10 "The submissions selected for AFC are allocated to</p> <p>11 SO/TO in the minor works unit (MWU) in a sequential</p> <p>12 order."</p> <p>13 SO/TO, can you tell us what that is?</p> <p>14 MR YUNG SIU LUN: This is a BD manual. SO/TO is survey</p> <p>15 officer or technical officer? That's a technical</p> <p>16 colleague.</p> <p>17 MR VICTOR DAWES: Are those with the technical</p> <p>18 qualification?</p> <p>19 MR YUNG SIU LUN: Yes.</p> <p>20 MR VICTOR DAWES: Let's have a look at what they look at:</p> <p>21 8(a) check if the information is complete; 8(c), check</p> <p>22 consistency of the address and works specified in the</p> <p>23 form and those on the plans and photos.</p> <p>24 MR YUNG SIU LUN: Mmm.</p> <p>25 MR VICTOR DAWES: 8(d), check the works specified in the</p>	Page 20	<p>1 THE HON MR JUSTICE DAVID LOK: So is it your team or MBIS</p> <p>2 team that will be doing it?</p> <p>3 MR YUNG SIU LUN: Minor works, yes, our team will be doing</p> <p>4 it.</p> <p>5 THE HON MR JUSTICE DAVID LOK: You said the complaints will</p> <p>6 be handled by MBIS team. In Wang Fuk Court there are</p> <p>7 MBIS and MW. For MW submissions, they will be referred</p> <p>8 to your team?</p> <p>9 MR YUNG SIU LUN: Yes, if they are randomly selected, we</p> <p>10 will be responsible for the checks.</p> <p>11 THE HON MR JUSTICE DAVID LOK: For the screening tests, you</p> <p>12 will be doing it?</p> <p>13 MR YUNG SIU LUN: For screening, it will be the reception --</p> <p>14 THE HON MR JUSTICE DAVID LOK: Which team will be doing it?</p> <p>15 MR YUNG SIU LUN: Our team. We have the reception. They</p> <p>16 will be taking on the forms and they will check before</p> <p>17 inputting the information.</p> <p>18 MR VICTOR DAWES: Is this correct or incorrect: we keep</p> <p>19 saying that for Wang Fuk Court renovation there are so</p> <p>20 many different procedures and therefore there are so</p> <p>21 many different applications because different steps</p> <p>22 would involve the submission of different forms.</p> <p>23 MR YUNG SIU LUN: Yes, it all depends on the type of work.</p> <p>24 They can choose to submit in one single form or they can</p> <p>25 submit in different forms and that's also possible.</p>

Page 21	Page 23
<p>1 MR VICTOR DAWES: Practically, they will be submitting 2 different forms because this involves different 3 contractors. 4 MR YUNG SIU LUN: Yes. 5 MR VICTOR DAWES: Like a certain type of work, the 6 sub-contractor will be making the submission? 7 MR YUNG SIU LUN: Right. 8 MR VICTOR DAWES: Let's come back to this site monitoring 9 manual. Basically there is a VO, a vetting officer, and 10 also a PO, a professional officer, that will be doing 11 the checking. Their job, according to paragraph 8, they 12 will be checking all these different items. In your 13 statement you said after VO and PO have conducted the 14 checking, it will be referred to the SPO for checking. 15 This SPO, is it yourself? 16 MR YUNG SIU LUN: Yes. 17 MR VICTOR DAWES: So for the three types of checks, can 18 I summarise it like this. For site audit check, that's 19 upon completion of the work. Fundamental check, that's 20 a document check, it doesn't involve any site checking. 21 Agreed? 22 MR YUNG SIU LUN: Yes. 23 MR VICTOR DAWES: Third, PSAC, pre-commencement site audit 24 check, it serves to check whether people are commencing 25 prematurely and there will not be any checking of</p>	<p>1 complaints before you handle them. Is it fair to say 2 that? 3 MR YUNG SIU LUN: Yes. 4 MR VICTOR DAWES: I believe that we will all agree the 5 nature of maintenance works involve scaffolding. In 6 this particular case, we see that there are some 7 inflammable materials wrapping around the buildings that 8 cause fire hazards. 9 For the minor works audit team under ICU, basically, 10 you will not be able to notice certain problem because 11 there is no site check at all. You will have to wait 12 until the works is complete before you will conduct any 13 site check; is that correct? 14 MR YUNG SIU LUN: Yes. 15 MR VICTOR DAWES: Therefore, when you conduct a site check, 16 there will be the time when workers have left and all 17 the scaffolding has been removed; the most dangerous 18 period would be over already. Is it correct to say so? 19 MR YUNG SIU LUN: It depends on how they complete their 20 works. 21 MR VICTOR DAWES: Of course. That is why you go to do the 22 site check. However, during the course of work, 23 according to your description, basically it is 24 impossible for you to spot that; correct? 25 MR YUNG SIU LUN: Yes.</p>
Page 22	Page 24
<p>1 safety. The surprise check would identify whether they 2 have started prematurely. 3 MR YUNG SIU LUN: Well, at the PSAC, if they spot anything 4 unusual, we would deal with that. 5 MR VICTOR DAWES: If you spot any unsafe things, you will 6 not turn a blind eye. 7 MR YUNG SIU LUN: Right. 8 MR VICTOR DAWES: Whether you can see anything extraordinary 9 is quite another matter altogether. When your 10 colleagues turn up, they would focus on whether people 11 are commencing prematurely. Is it right to say that? 12 MR YUNG SIU LUN: Yes. 13 MR VICTOR DAWES: When complaints or enquiries come through, 14 you will handle them if they fall within your ambit. In 15 other words, for minor works, if you received any 16 complaints, then you will be investigating, you will not 17 be referring this to Mr Ku; right? 18 MR YUNG SIU LUN: Yes. 19 MR VICTOR DAWES: If there are no complaints, no complaints 20 arise, you will not be turning up for a look? 21 MR YUNG SIU LUN: Right. 22 MR VICTOR DAWES: In other words, for these minor works, 23 whether there is any violation of the law, in the course 24 of work basically you don't have any oversight, you 25 depend very much on other people to monitor or rely on</p>	<p>1 MR VICTOR DAWES: Next I would like to discuss something 2 that happened in our discussion for a while, that is the 3 access opening. I trust that you understand in this 4 fire, the role of the access opening is significant. 5 Everybody is asking why didn't anyone spot this problem 6 before. 7 According to the earlier submission, out of the 8 48 minor works submissions, ICU has selected two 9 submissions to conduct an AFC, that is audit fundamental 10 check. According to your witness statement, this is 11 something that is arranged randomly according to the 12 minor works management system, MWMS, it is automatically 13 balloted. 14 MR YUNG SIU LUN: Yes, it is selected randomly. 15 MR VICTOR DAWES: Referring to I1-1, page 600. In 16 paragraph 20, "those ... submissions which are not 17 selected for audit by MWBS will no longer be included in 18 future ballot, unless otherwise specified." 19 Therefore, if it is not balloted the first time then 20 it will not appear again. For the 48 submissions of 21 Wang Fuk Court, only these two submissions will remain 22 on the system. The remaining 46 systems basically 23 disappeared. 24 MR YUNG SIU LUN: It will not conduct any further check. 25 MR VICTOR DAWES: In other words, the 46 submissions, since</p>

Page 25	<p>1 it is not selected, basically you would disregard them;</p> <p>2 no one else will check on it?</p> <p>3 MR YUNG SIU LUN: Unless there is complaint. Well, the only</p> <p>4 exception is the case of complaint.</p> <p>5 MR VICTOR DAWES: If there is no complaint then the 46</p> <p>6 submissions will no longer appear under your monitoring</p> <p>7 system?</p> <p>8 MR YUNG SIU LUN: Yes.</p> <p>9 MR VICTOR DAWES: So let's look at the two that are being</p> <p>10 selected for AFC. We know that it involves Wang Cheong</p> <p>11 House and Wang Chi House. The MW01 were submitted on</p> <p>12 2 May 2025 to ICU. It concerns block F and block H,</p> <p>13 that is the protective barrier in the staircase, the</p> <p>14 erection of protective barriers. Can you explain it to</p> <p>15 us, please explain to those who are sitting in this</p> <p>16 evidential hearing. What is it referring to?</p> <p>17 MR YUNG SIU LUN: Well, the protective barrier, on the</p> <p>18 buildings when you're looking at the facade or the</p> <p>19 surroundings of the facade, if the wall is too low of</p> <p>20 level, then there will be risk of fall. In order to</p> <p>21 prevent the users or the residents, it is stipulated</p> <p>22 that if it is 1 metre high, there has to be an</p> <p>23 appropriate protective barrier to prevent people from</p> <p>24 falling from height. This is the basic meaning.</p> <p>25 MR VICTOR DAWES: So this is the first work. For the second</p>	Page 27	<p>1 MR YUNG SIU LUN: They are the sub-contractor that is in</p> <p>2 charge of this minor works.</p> <p>3 MR VICTOR DAWES: If I refer you to the MW01 form, there are</p> <p>4 a number of appendices. What you focus on is the photos</p> <p>5 before the commencement of work. If I look at</p> <p>6 page 7961, we can see that this concerns the windows and</p> <p>7 it says "Alteration of window", 2.8. As we all know</p> <p>8 now, it refers to the concerned windows.</p> <p>9 Page 7971, it is actually very clear. That's the</p> <p>10 access opening that we were talking about; correct?</p> <p>11 MR YUNG SIU LUN: Yes.</p> <p>12 MR VICTOR DAWES: My apologies, I have to keep asking you</p> <p>13 because if you just nod, it cannot be put on the record.</p> <p>14 Perhaps you have to respond verbally.</p> <p>15 There are other plans. Page 7977. In the bottom</p> <p>16 right corner it has pointed out the location of the work</p> <p>17 concerned.</p> <p>18 MR YUNG SIU LUN: Yes.</p> <p>19 MR VICTOR DAWES: And on 7979 we have seen some structural</p> <p>20 calculation.</p> <p>21 MR YUNG SIU LUN: Yes.</p> <p>22 MR VICTOR DAWES: If you move on to the next page, it gives</p> <p>23 you the design calculation. If we move further on, on</p> <p>24 page 8001, there is a supervision plan. If you look at</p> <p>25 the address, it is referring to the staircase. These</p>
Page 26	<p>1 one, it is the alteration of the windows.</p> <p>2 MR YUNG SIU LUN: Mmm.</p> <p>3 MR VICTOR DAWES: May I refer you to I1-3, page 612. That</p> <p>4 is the form that you are referring to, erection of</p> <p>5 protective barrier.</p> <p>6 Page 7954, it refers to another building but this is</p> <p>7 basically the same form.</p> <p>8 As for the windows, page 6218, let's take a look.</p> <p>9 Here you can find the description "Alteration of window</p> <p>10 at staircase". At page 7960, another similar form.</p> <p>11 We have noted the situation. The RC, that is</p> <p>12 registered contractors, for all these works is actually</p> <p>13 not Prestige, it is another company. If I refer you to</p> <p>14 page 6212, you will see that that is the name of the</p> <p>15 contractor there, and the PBP, if I refer to you</p> <p>16 page 6213, you will be able to see the particulars of</p> <p>17 the appointed person. There you will see Mr Chik Mo Kin</p> <p>18 and Mr Lai Ka Wing.</p> <p>19 The RI of the overall project is Ng Yeuk. There are</p> <p>20 other people participating; is it because concerning</p> <p>21 this particular work the PBP in charge are these two</p> <p>22 persons stated here?</p> <p>23 MR YUNG SIU LUN: Correct.</p> <p>24 MR VICTOR DAWES: And there is a subcontractor in charge of</p> <p>25 such work.</p>	Page 28	<p>1 are all works that are conducted in the staircase.</p> <p>2 If we zoom out, you will see that there has checked</p> <p>3 the box of class I minor works.</p> <p>4 Together with MW01, these form are submitted to you;</p> <p>5 correct?</p> <p>6 MR YUNG SIU LUN: Yes.</p> <p>7 MR VICTOR DAWES: If I go to paragraph 34, that is page 666,</p> <p>8 WS1, from paragraphs 34 to 37 you explain how ICU</p> <p>9 conducted a fundamental check.</p> <p>10 Is it correct for me to put it this way: concerning</p> <p>11 the minor works team, the MW01 form, your team will</p> <p>12 conduct the auditing work. As for the SMT, they will</p> <p>13 visit the supervision plan. If both teams find it in</p> <p>14 order, that is confirmed to be in order, that's your</p> <p>15 words, only then it will be approved?</p> <p>16 MR YUNG SIU LUN: Correct. And also the SVT.</p> <p>17 MR VICTOR DAWES: Under these circumstances, we discover</p> <p>18 that you had an SVT who had certain opinions. On</p> <p>19 24 June they have voiced out opinion. It says that the</p> <p>20 structural calculation was insufficient. On certain</p> <p>21 page we discovered some calculations and that SVT</p> <p>22 believed it is insufficient. Therefore, in</p> <p>23 paragraph 34, the SVT will write letter to ask Mr Lai Ka</p> <p>24 Wing and ask for follow-up actions. Is it correct?</p> <p>25 MR YUNG SIU LUN: Yes.</p>

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<p>1 MR VICTOR DAWES: Let's look at I1-3/8092. That's the page 2 number. There's an area that we have highlighted on the 3 bottom of this page, that is the SVT. These are the 4 comments. It seems that the comments are related to the 5 windows being altered into fireproof windows. 6 MR YUNG SIU LUN: Yes. 7 MR VICTOR DAWES: So it concerns how the situation will be 8 upon the completion of works. They ask for an 9 explanation about the load path, that is the use of 10 sink, regarding the materials, and number (iv) it talks 11 about corrosion prevention. And also the fixing design. 12 What is fixing design, in layman's language? 13 MR YUNG SIU LUN: Fixing designs refer to the connection 14 between the window and the cement. 15 MR VICTOR DAWES: Go to your witness statement. For 16 a period of one month, the PBP on 30 July have submitted 17 some amended calculations. SVT find this satisfactory, 18 so we have passed. 19 MR YUNG SIU LUN: Right. 20 MR VICTOR DAWES: If I refer to I1-3/6372, these are some 21 records on your system. Let's zoom in and look at the 22 paragraph on the bottom. Here it mentions that works 23 involved MW, item 1.6 to 2.8, replacement of windows, 24 involving protective barrier at MOE staircase, was 25 selected for desktop audit.</p>	<p>1 been removed, it looks like a door instead, or what we 2 refer to as an access opening? Did anyone notice that? 3 MR YUNG SIU LUN: At that time when we look at this photo, 4 we find that this is some temporary protective measures 5 on the windows. Of course now we know that this is an 6 access opening for people to go in and out. However, at 7 that time, when we received the minor works submission, 8 they are submitting as the whole building. It told us 9 clearly that they will be replacing the windows in the 10 original location, so it will be a hose window. So we 11 know that this is an original window. 12 For minor works, we have to take care for the new 13 installations as well as the existing installations. If 14 the situation is far from ideal, we will take care of 15 them through minor works as well. Therefore, before 16 work commenced, there might be a number of situations. 17 During our audit, our focus is what will be the work 18 that they're going to conduct. For instance, we will 19 check the structural calculations as well as the plans. 20 When we do that, we are focusing on the upcoming minor 21 works to see if it is legal or not. 22 MR VICTOR DAWES: I understand your view. I believe that 23 you will agree this is a photo showcasing the 24 pre-commencement stage. The window is gone already. It 25 looks like an in-and-out access; correct?</p>
Page 30	Page 32
<p>1 It refers to works 1.6 to 2.8, so it refers to what 2 we have been selected to look in. 3 "The planned structural calculation and supervision 4 plans were referred to SVT and SMT respectively and both 5 had no adverse comment on the submission. The 6 submissions were checked in order and 'PASS'. 7 Recommendation for such audit assessment is supported 8 for your endorsement." 9 The SMS it refers to right at the beginning, 10 "SMS/ICU3", is it referring to you? 11 MR YUNG SIU LUN: Correct. 12 MR VICTOR DAWES: So as the senior professional officer at 13 this stage, upon checking all the documents, you find it 14 passed, qualified; right? 15 MR YUNG SIU LUN: Correct. 16 MR VICTOR DAWES: So ICU have audited the pre-commencement 17 photos. We can see that in May, when the minor works 18 team have conducted audit check of these works, you have 19 looked at the photographs. 20 If we look at page 7971, we can see the alteration 21 work. This is pre-commencement. As you can see, before 22 work commenced, the windows are already gone; right? 23 MR YUNG SIU LUN: Mmm. 24 MR VICTOR DAWES: It has been altered. Did you or your team 25 discover that it is no longer a window, the window has</p>	<p>1 MR YUNG SIU LUN: At that time I don't think it is an access 2 for people to go in and out. 3 MR VICTOR DAWES: May we refer to page 6232. This is 4 another photo that they have submitted. It looks 5 similar to the previous one. Page 6227. If we zoom in 6 on the left-hand side, first do you see that there is 7 a lock here? Second, there are some warning stickers 8 saying "Danger". There is also a sign asking people not 9 to climb out; right? 10 MR YUNG SIU LUN: Correct. 11 MR VICTOR DAWES: I understand that your evidence is that 12 you see that this is the stage before the commencement 13 of work, but you believe that it might be some 14 protective measures so you will not notice there might 15 be people going in and out; correct? 16 MR YUNG SIU LUN: Yes. Yes, that is what we think back 17 then. 18 MR VICTOR DAWES: If we go back to page 7971, we know that 19 this is not some protective measures for window because 20 the window is gone; correct? 21 MR YUNG SIU LUN: But there are some boards protecting that 22 hole. 23 MR VICTOR DAWES: There are some boards replacing the 24 windows. 25 MR YUNG SIU LUN: It is just some temporary protective</p>

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1 measures. There could be a lot of situations concerning
 2 the window.
 3 MR VICTOR DAWES: So you said that there might be situations
 4 concerning the window, so the boards are here to protect
 5 the windows?
 6 MR YUNG SIU LUN: Yes, that's what we think back then.
 7 MR VICTOR DAWES: Since you approved it, did you look at
 8 these photos?
 9 MR YUNG SIU LUN: Yes.
 10 MR VICTOR DAWES: In paragraph 40 you honestly said that in
 11 hindsight, you would have noticed that in the photos at
 12 the staircase the windows had been replaced with wooden
 13 boards.
 14 "With the benefit of hindsight, it was noted that
 15 there were some pre-commencement photos ... showing
 16 certain windows covered with boards."
 17 You mentioned "with the benefit of hindsight". It
 18 does not mean that you did not see it back then but you
 19 only see it now, because you just told me you already
 20 noted that back then.
 21 MR YUNG SIU LUN: Yes, I noted the board.
 22 MR VICTOR DAWES: You also explain when ICU inspect these
 23 photos, the purpose is to check if the photos, forms,
 24 plans are in compliance, to make sure if the location
 25 are accurate. You also mention the checklist of AFC,

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1 those items is only asking if they have provided
 2 pre-commencement photos and if the photos are clear.
 3 You have mentioned:
 4 "The plans/photographs showing the physical
 5 condition of the premises immediately before the
 6 commencement of MW have been provided/are clear. Given
 7 that the required photos provided ... were clear, the VO
 8 did not flag up issue in this regard at the AFCs."
 9 You are trying to tell us that the requirement is
 10 just to see if the photographs are clear or not,
 11 basically you were not asked to see if there is any
 12 safety hazards; is that right?
 13 MR YUNG SIU LUN: That is what was stipulated on the
 14 checklist.
 15 MR VICTOR DAWES: On I1-3/6370, item 12:
 16 "Plans/photographs showing the physical condition of
 17 the premises immediately before the commencement of
 18 works have been provided/are clear."
 19 And we can see "Yes" here. That is, for those that
 20 needed to be submitted, they are already submitted.
 21 Let's zoom out. In addition to checking whether all
 22 have been submitted, let's look at the right side of the
 23 system. We can see remark here, remarks could be added,
 24 so when would that be used?
 25 MR YUNG SIU LUN: If supplementary information needs to be

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1 provided, this will be used.
 2 MR VICTOR DAWES: We can see "Yes" is ticked next to 12. It
 3 means all photographs have been submitted?
 4 MR YUNG SIU LUN: Yes.
 5 MR VICTOR DAWES: In paragraph 25 of your second witness
 6 statement, WS14, page 2124, we can see this sentence:
 7 "One may question why ICU, when conducting the
 8 relevant AFC, was not aware that some pre-commencement
 9 photos included in the two audited MW submissions show
 10 certain windows covered with boards ... and altered to
 11 become workers' access to and egress from the
 12 scaffolding."
 13 Probably someone might ask, why couldn't you see it
 14 then?
 15 "It should be highlighted that the photos included
 16 in the two audited MW submissions were submitted to ICU
 17 in support of MW which had a particular intended
 18 purpose ..."
 19 This means photographs are submitted for
 20 a particular purpose?
 21 MR YUNG SIU LUN: Mmm.
 22 MR VICTOR DAWES: "Since such replacement is regarded as an
 23 upgrade in terms of fire safety, the immediate existing
 24 condition of the original windows which will be
 25 overtaken by event as they were meant to be replaced and

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1 would have been overtaken by the time the subject works
 2 were complete, was not a matter of primary concern
 3 during the relevant AFC."
 4 That means the windows will be replaced anyway, so
 5 that was not your primary concern?
 6 MR YUNG SIU LUN: Correct.
 7 MR VICTOR DAWES: "Consistent with the focus of AFC as
 8 described above, MWT's attention was directed at
 9 ensuring that the final building works resulted from the
 10 MW ... would satisfy requirements under the BO."
 11 This means, when it comes to your concerns over the
 12 replacement of windows, you will check whether it is in
 13 compliance with the BD's requirements. Right?
 14 Therefore, the original conditions of the windows
 15 are not your concerns?
 16 MR YUNG SIU LUN: We need to see if the works could repair
 17 the condition. If the works would lead to other
 18 violations, then this will attract our concern.
 19 MR VICTOR DAWES: Can I put it this way. Fundamentally, no
 20 one had ever paid attention to the fact that there were
 21 access openings in that spot. Can I put it this way?
 22 MR YUNG SIU LUN: We were not aware of the fact that that
 23 access opening was one for people.
 24 MR VICTOR DAWES: Not aware one for people?
 25 MR YUNG SIU LUN: I mean not aware of the access openings

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<p>1 for people to get in and out.</p> <p>2 MR VICTOR DAWES: So you mean the window was broken so</p> <p>3 something was used to cover it?</p> <p>4 MR YUNG SIU LUN: Yes. Temporary protection measures.</p> <p>5 MR VICTOR DAWES: Let's refer to I1-3, page 7963, the</p> <p>6 5th floor. Page 7966 we can see the 10th floor. And</p> <p>7 page 7968, the 15th floor. Page 7971, the 20th floor.</p> <p>8 Further down, page 7973, 25th floor. Every five floors</p> <p>9 a window was broken.</p> <p>10 MR YUNG SIU LUN: We didn't count at that time because it</p> <p>11 was submitted as the whole block.</p> <p>12 THE HON MR JUSTICE DAVID LOK: Can I put it this way. For</p> <p>13 the regulatory system, you will be concerned about</p> <p>14 whether the end product meets the requirements. When it</p> <p>15 comes to the process of construction, you didn't</p> <p>16 regulate the safety of the construction?</p> <p>17 MR YUNG SIU LUN: In accordance with the Building (Minor</p> <p>18 Works) Regulation, we rely on the professionals.</p> <p>19 THE HON MR JUSTICE DAVID LOK: In other words, you would</p> <p>20 easily ignore or overlook these, as you will not pay</p> <p>21 attention to them; is that correct?</p> <p>22 MR YUNG SIU LUN: In the process of construction, we would</p> <p>23 not deliberately pay attention to how the works are</p> <p>24 conducted as information is not provided to us.</p> <p>25 THE HON MR CHAN KIN-POR: I'd like to follow up on it as</p>	<p>1 THE HON MR CHAN KIN-POR: What about workers?</p> <p>2 MR YUNG SIU LUN: Well, first of all, access openings cannot</p> <p>3 be formed in staircases. For windows that are not</p> <p>4 fire-graded, a professional could be hired to design an</p> <p>5 access opening to make sure that it is in compliance</p> <p>6 with FSD requirements. There will also be other</p> <p>7 regulations in place in order to solve the problem.</p> <p>8 THE HON MR CHAN KIN-POR: So with the benefit of hindsight</p> <p>9 you found it necessary?</p> <p>10 MR YUNG SIU LUN: Yes.</p> <p>11 THE HON MR CHAN KIN-POR: It's about human lives. Just put</p> <p>12 yourself into the shoes of residents. Society is</p> <p>13 changing. That's why you need to keep changing in order</p> <p>14 to adapt to the change in society.</p> <p>15 MR YUNG SIU LUN: Yes, I understand.</p> <p>16 MR VICTOR DAWES: In your witness statement you didn't</p> <p>17 detail this. In other words, at the time of</p> <p>18 inspections, it came to your attention that these</p> <p>19 windows had become wooden boards and you thought that</p> <p>20 they were used to protect the windows because the</p> <p>21 windows were broken?</p> <p>22 MR YUNG SIU LUN: Yes. That's why the works needed to be</p> <p>23 conducted.</p> <p>24 MR VICTOR DAWES: Well, during your inspection you should</p> <p>25 have paid attention to the fact that all windows were</p>
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<p>1 well. Regarding access openings, construction workers</p> <p>2 found them just normal. According to the LD, these are</p> <p>3 required. However, from the perspective of fire safety,</p> <p>4 that is not right. The rear staircases, in the event of</p> <p>5 fire, are for evacuation. Fire went into the building</p> <p>6 from outside and that has become a death trap. So I'd</p> <p>7 like to ask whether your team or Mr Ku's team are very</p> <p>8 familiar with this; safety should be a primary concern</p> <p>9 of your inspections. Have your teams discussed whether</p> <p>10 access openings are acceptable? These are very</p> <p>11 dangerous.</p> <p>12 Let's not talk about whether you have paid attention</p> <p>13 to them, but as long as you're concerned about their</p> <p>14 safety, then it would have come to your attention.</p> <p>15 Access openings are clearly a hidden safety concern.</p> <p>16 I understand it was uncommon for fire to get into the</p> <p>17 building from outside. Have you discussed with other</p> <p>18 teams whether you need to deal with access openings?</p> <p>19 MR YUNG SIU LUN: We discussed this, at least access</p> <p>20 openings shouldn't be formed in rear staircases.</p> <p>21 THE HON MR CHAN KIN-POR: What about before the fire?</p> <p>22 MR YUNG SIU LUN: No.</p> <p>23 THE HON MR CHAN KIN-POR: Will you change it?</p> <p>24 MR YUNG SIU LUN: Yes. It has been changed. In rear</p> <p>25 staircases, access openings could not be formed.</p>	<p>1 broken.</p> <p>2 MR YUNG SIU LUN: Well, not all.</p> <p>3 MR VICTOR DAWES: Let's go to the pictures that you have.</p> <p>4 Let us scroll down. Keep scrolling down. Scroll up</p> <p>5 a bit.</p> <p>6 My question is the windows were covered. Wouldn't</p> <p>7 you have a question, something wasn't right, the windows</p> <p>8 of the means of escape were broken? Wouldn't that</p> <p>9 arouse your suspicion? Or it didn't cross your mind at</p> <p>10 all at that time? The windows were broken. Is that</p> <p>11 your version right now or is it what you thought at that</p> <p>12 time?</p> <p>13 MR YUNG SIU LUN: They were temporary protection measures</p> <p>14 and I could see some of the windows.</p> <p>15 MR VICTOR DAWES: Yes. For some pictures, but most of the</p> <p>16 windows, or a large number of windows, were like these.</p> <p>17 You thought the windows were broken, hence the</p> <p>18 protection measures.</p> <p>19 MR YUNG SIU LUN: Mmm.</p> <p>20 MR VICTOR DAWES: As we can see in the form on the right,</p> <p>21 remarks could be written and you could have definitely</p> <p>22 written the hidden safety hazards when they have come to</p> <p>23 your attention.</p> <p>24 MR YUNG SIU LUN: Yes.</p> <p>25 MR VICTOR DAWES: And you would have put down what would</p>

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<p>1 happen; right? So it is not the case that you didn't</p> <p>2 follow up on the matter that had come to your attention;</p> <p>3 you didn't identify any matter at all?</p> <p>4 MR YUNG SIU LUN: Well, we weren't aware of the fact that</p> <p>5 those access openings were people to get in and out.</p> <p>6 MR VICTOR DAWES: According to the BD, having an access</p> <p>7 opening for people to get in and out is clearly</p> <p>8 unlawful; you agree?</p> <p>9 MR YUNG SIU LUN: Yes.</p> <p>10 MR VICTOR DAWES: From the perspective of fire safety, it</p> <p>11 was not acceptable to have an access opening?</p> <p>12 MR YUNG SIU LUN: Yes.</p> <p>13 MR VICTOR DAWES: In other words, in fundamental check, if</p> <p>14 ICU didn't identify any clear irregularity, under the</p> <p>15 existing system there is a major issue here. Do you</p> <p>16 agree?</p> <p>17 MR YUNG SIU LUN: Yes.</p> <p>18 MR VICTOR DAWES: If even professionals do not realise that</p> <p>19 this is a safety hazard, you wouldn't expect residents</p> <p>20 would consider this an issue. How would an ordinary</p> <p>21 resident find that this is an issue? Even professionals</p> <p>22 couldn't tell.</p> <p>23 MR YUNG SIU LUN: Well, we couldn't tell from pictures. If</p> <p>24 we had gone to the site, we would have discovered this.</p> <p>25 MR VICTOR DAWES: Right.</p>	<p>1 that. Not only did you not see that, you never heard of</p> <p>2 that either; is that right?</p> <p>3 MR YUNG SIU LUN: When I dealt with the factory renovation,</p> <p>4 in the corridor they have the ventilation point where</p> <p>5 they would be climbing out onto the scaffolding or they</p> <p>6 would be using the units' windows and climb out from the</p> <p>7 windows, or in the open public places, if there are</p> <p>8 windows, they would be climbing out through these</p> <p>9 windows.</p> <p>10 MR VICTOR DAWES: So there would be nothing on the fire</p> <p>11 escape?</p> <p>12 MR YUNG SIU LUN: If you say that a window on the fire</p> <p>13 escape is turned into an access opening, I've never seen</p> <p>14 that myself. The minor works that I dealt with, I've</p> <p>15 never seen any declaration whereby they would be using</p> <p>16 a window for access.</p> <p>17 MR VICTOR DAWES: My question is, you've never seen that on</p> <p>18 the fire escape staircases in the building, but if a</p> <p>19 window is converted into an access point for access to</p> <p>20 the scaffolding, you've seen that?</p> <p>21 MR YUNG SIU LUN: Yes. For an existing window, an opening,</p> <p>22 openable window, they would climb out onto the</p> <p>23 scaffolding. That's how they gain access to the</p> <p>24 scaffolding.</p> <p>25 MR VICTOR DAWES: When you're serving the ICU or the BD,</p>
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<p>1 Chairman, would this be a convenient time?</p> <p>2 THE HON MR JUSTICE DAVID LOK: The hearing is now stood down</p> <p>3 for 10 minutes.</p> <p>4 (11.12 am)</p> <p>5 (A short adjournment)</p> <p>6 (11.22 am)</p> <p>7 THE HON MR JUSTICE DAVID LOK: Please carry on.</p> <p>8 MR VICTOR DAWES: Before the break, Mr Yung, there was</p> <p>9 a question of whether the access openings were</p> <p>10 discussed. If you did not realise this was a safety</p> <p>11 hazard, it would be grossly dangerous to the residents.</p> <p>12 A witness, a sub-sub-contactor who appeared as</p> <p>13 a witness, Mr Ng Pui Kwan, a worker, said that access</p> <p>14 openings is a regular occurrence, common practice. Is</p> <p>15 it consistent with your understanding?</p> <p>16 MR YUNG SIU LUN: When I worked in the Housing Department</p> <p>17 for maintenance, for exterior wall repair, we would use</p> <p>18 gondola, so there is no presence of access openings.</p> <p>19 MR VICTOR DAWES: Are you talking about the HD repair?</p> <p>20 MR YUNG SIU LUN: Yes.</p> <p>21 MR VICTOR DAWES: You are the employer, you would be</p> <p>22 choosing the safest method.</p> <p>23 MR YUNG SIU LUN: Yes.</p> <p>24 MR VICTOR DAWES: Second statement, paragraph 27, you've</p> <p>25 been working there for 27 years. You've never seen</p>	<p>1 you've never seen any work similar to the Housing</p> <p>2 Department. That's not surprising, but you would</p> <p>3 inspect before and after the work is completed. You've</p> <p>4 probably never seen it; is it fair to say this?</p> <p>5 MR YUNG SIU LUN: In the course of work, if they convert</p> <p>6 back upon completion, you never see it.</p> <p>7 MR VICTOR DAWES: Yes, that's for sure. They would have the</p> <p>8 access opening, in the course of work, when they were</p> <p>9 completed, they would revert that. That's for sure.</p> <p>10 You've never been to the site for inspection. It has</p> <p>11 everything to do with that fact. Agreed?</p> <p>12 MR YUNG SIU LUN: Yes. If we inspect, we would have seen</p> <p>13 it.</p> <p>14 MR VICTOR DAWES: Please turn to page 6227, II-3. On the</p> <p>15 left-hand side there is a lock there.</p> <p>16 MR YUNG SIU LUN: Right.</p> <p>17 MR VICTOR DAWES: Top right-hand corner, we can't quite see</p> <p>18 the characters, we cannot find a picture that show the</p> <p>19 characters clearly. But it seems to be saying that this</p> <p>20 is a door. We can't quite see that. The quality is not</p> <p>21 good enough. But have you noticed what it says?</p> <p>22 MR YUNG SIU LUN: I can see it.</p> <p>23 MR VICTOR DAWES: For window protection, there is no need</p> <p>24 for a lock; all you need to do is just cover up with</p> <p>25 a board. So, say, protecting the window, you cannot</p>

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1 come to this conclusion if you look closely.
 2 MR YUNG SIU LUN: Yes, if I look closely, yes.
 3 MR VICTOR DAWES: Turn to page 7971, please. Left-hand
 4 side, this is obviously an openable door; right?
 5 MR YUNG SIU LUN: Yes.
 6 MR VICTOR DAWES: On the right-hand side you cannot see
 7 that, I can appreciate that. But if you look at
 8 pictures showing the access point, you cannot come to
 9 the conclusion it is for protection; agreed?
 10 MR YUNG SIU LUN: I do.
 11 MR VICTOR DAWES: You offer another explanation in your
 12 first statement, paragraph 41, page 670. You said:
 13 "While one may question that, as it is required in
 14 form MW01 to provide 'photographs showing the physical
 15 condition of the premises before commencement of the
 16 minor works', the photos showing certain windows covered
 17 with boards might have implied that works had been
 18 commenced before the '7-day-notification' requirement
 19 under sections 30 and 33 ... it should be highlighted
 20 that such act should be caught by PSAC, rather than
 21 AFC."
 22 In other words, what you are saying effectively is,
 23 for the fundamental check, if you see some conversion to
 24 the windows, then it means that work has commenced
 25 unlawfully before the seven-day notification expires.

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1 Right?
 2 MR YUNG SIU LUN: Yes.
 3 MR VICTOR DAWES: You also said that this is dealt with at
 4 the PSAC stage, not at this check; right?
 5 MR YUNG SIU LUN: Right.
 6 MR VICTOR DAWES: Can I say this: you're working according
 7 to the rule; you say that if there is such a problem, it
 8 should be for the PSAC and not for the AFC? Is that
 9 what you're saying?
 10 MR YUNG SIU LUN: When an inspection takes place, it's gone
 11 past its seven-day requirement. PSAC, that's seven days
 12 before commencement. For the inspection that has
 13 already passed --
 14 MR VICTOR DAWES: The seven days.
 15 MR YUNG SIU LUN: -- so the scene could have changed
 16 completely.
 17 MR VICTOR DAWES: Well, that's the issue. You see the
 18 pictures. That's the PSAC stage. You tried to
 19 ascertain whether there is commencement prematurely.
 20 MR YUNG SIU LUN: Yes.
 21 MR VICTOR DAWES: But what is the reason you cannot see
 22 that? Can you assist here? The reason why you didn't
 23 see the access openings, paragraph 41.
 24 MR YUNG SIU LUN: You mean anybody starting prematurely?
 25 Seven days have gone by --

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1 MR VICTOR DAWES: So if people start prematurely, it would
 2 not be related to this stage.
 3 MR YUNG SIU LUN: Right.
 4 MR VICTOR DAWES: So you say at this stage, what you are
 5 concerned about is what you see in the picture. If
 6 people started prematurely, it wouldn't be at that
 7 stage, it would be PSAC. You are looking at what are
 8 you looking at at this stage; right?
 9 MR YUNG SIU LUN: If they start prematurely, we need to
 10 collect evidence. Otherwise, there will be no further
 11 action.
 12 MR VICTOR DAWES: You cover 25 PSACs each year.
 13 MR YUNG SIU LUN: Right.
 14 MR VICTOR DAWES: So 99.9 per cent of the work in this case,
 15 you would not have seen premature commencement?
 16 MR YUNG SIU LUN: Yes, for the 25 cases -- we have regard to
 17 the numbers of the BD; they cover 100.
 18 MR VICTOR DAWES: So you are saying that you may have the
 19 information to say that people start prematurely and you
 20 cannot give evidence because it's already gone past the
 21 time.
 22 MR YUNG SIU LUN: Yes.
 23 MR VICTOR DAWES: So you will not deal with it. But if you
 24 do not turn up on the site, they may be doing something
 25 else. If there is a photo showing the scene, people may

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1 have started prematurely. Right?
 2 The photo was taken before the work.
 3 MR YUNG SIU LUN: Yes.
 4 MR VICTOR DAWES: If you go there, it is the same as what is
 5 shown on the picture. It is evidence to show that they
 6 start prematurely, but you're not dealing with that
 7 because you're not dealing with that at that particular
 8 stage.
 9 MR YUNG SIU LUN: Right.
 10 MR VICTOR DAWES: Also if you can assist here. The
 11 misunderstanding with the BD, MW01 ICU check includes
 12 the supervision plan.
 13 MR YUNG SIU LUN: Right.
 14 MR VICTOR DAWES: Paragraph 42, page 670 of your statement.
 15 Wang Fuk Court, there are two applications. We've
 16 seen that.
 17 MR YUNG SIU LUN: Yes.
 18 MR VICTOR DAWES: "A side note is that there might have been
 19 a further site safety inspection conducted had there not
 20 been an information gap between the BD and ICU before
 21 December 2025 in respect of site safety visits for
 22 class I MW with SPs submitted."
 23 So you're trying to explain in 2023, two years
 24 before the fire, the BD implemented a policy whereby
 25 there would be no more than 20 per cent of MW that would

<p>Page 49</p> <p>1 be randomly checked, that's MW with SPs, and there would 2 be site inspection. And there is this policy on the 3 part of the BD that is implemented. 4 Now, you are saying -- are you talking about 5 20 per cent of all the MWS submissions? 6 MR YUNG SIU LUN: No. Those randomly selected with SPs. 7 MR VICTOR DAWES: So that's 20 per cent of those randomly 8 selected? 9 MR YUNG SIU LUN: Yes. If they're class I and if they have 10 the SP, then we select 20 per cent out of that. 11 MR VICTOR DAWES: In other words, if they have the SP at 12 Wang Fuk Court of 40-odd, you pick two, and not the 46, 13 for these two cases, 20 per cent? 14 MR YUNG SIU LUN: Right. 15 MR VICTOR DAWES: You said this 20 per cent policy of the 16 BD, the ICU said you became aware of that after the 17 fire? 18 MR YUNG SIU LUN: Yes. The site safety inspection. 19 MR VICTOR DAWES: In December last year, the ICU and the BD 20 did have a fair amount of email exchanges. I'm grateful 21 to you for making available all the documents. I1/8982: 22 "Thank you for your email reply. As the latest BD's 23 site monitoring section ... manual ... did not mention 24 SMS should carry out site audit to minor works ... ICU's 25 site monitoring team had not carried out any site audit</p>	<p>Page 51</p> <p>1 rather 20 per cent of the two cases. 2 Second, my question then is we understand that, if 3 we read on, page 8986, 6 January, the BD informed ICU 4 the revised SMS manual audit check of supervision plans. 5 That's the new arrangement. This is the same as what 6 you said in paragraph 42. There is an information gap, 7 between you and the BD there is a communication gap. 8 This new arrangement, you were not aware of that. Is 9 that what you're saying? 10 MR YUNG SIU LUN: Yes. In the manual there is no mention of 11 that. 12 MR VICTOR DAWES: I put a question to you at the beginning 13 that one of your duties is to make sure the ICU and the 14 BD's practices are aligned. The practices should be 15 aligned between the two types of buildings. 16 MR YUNG SIU LUN: Yes. 17 MR VICTOR DAWES: So this communication gap has a bearing on 18 the site safety inspection. 19 MR YUNG SIU LUN: Yes. 20 MR VICTOR DAWES: I do understand that. If you may refer to 21 paragraph 43 of your statement: 22 "Looking back at the case of Wang Fuk Court, if the 23 BD had informed the ICU of its latest practice of 24 conducting site safety inspection in respect of class I 25 MW with SPs submitted in a timely manner, there was</p>
<p>Page 50</p> <p>1 to MW sites beforehand. 2 By your written notification vide your email dated 3 22/12/2025 that BD's SMS has been randomly selecting 4 20 per cent of referrals of class I MW for audit ... on 5 a monthly basis since April 2023, ICU's SMT will follow 6 immediately to carry out site audit to class I MW sites 7 with the mentioned selection percentage ... and 8 inspection frequency ..." 9 And then you carry on saying: 10 "We recorded that we did not receive notifications 11 through any channels, including the sharing session 12 between BD's SMS and ICU's SMT held on 22 March 2023; 13 information from BD to ICU through SSE/Adv; telephone 14 conversations and/or emails between BD's SMS and ICU's 15 SMT, that BD's SMS carry out site audit on class I MW 16 sites since April 2023 before your email dated 17 22/12/2025. And thank you for your clarification vide 18 the same email ... that 20 per cent of the 19 audit-selected submissions selected under minor works 20 unit's audit check of class I MW submissions with 21 supervision plans ... referred to SMS will be subject to 22 SMS's audit, but NOT 20 per cent of all class I MW 23 submissions received by BD." 24 The last sentence, that's what I clarified with you 25 for Wang Fuk Court, not 20 per cent of the 40-odd cases,</p>	<p>Page 52</p> <p>1 a fairly high chance that a site safety inspection could 2 have been arranged by the ICU to the works site 3 concerned (ie the windows along the staircases of 4 blocks F and H of Wang Fuk Court). It is because, at 5 the time when the two class I MW submissions of Wang Fuk 6 Court concerned were selected for AFC ... only one other 7 class I MW submission with SP was selected for AFC in 8 the same month ... Thus, the probability that one of the 9 two class I MW submissions of Wang Fuk Court concerning 10 the erection of protective barrier and alteration of 11 windows could have been select for a site safety 12 inspection is rather high." 13 Can you explain in your own way what you were trying 14 to convey here? 15 MR YUNG SIU LUN: When we select 20 per cent, we will not 16 select 20 per cent of the two cases at Wang Fuk Court. 17 Instead, in the same period of time we would see if 18 there is other class I MW that submit with SP and also 19 selected for audit. We will do it on a one-month basis. 20 Actually, there is another housing court which has 21 a class I MW with SP that was selected for inspection. 22 So in total in May there were three cases. 23 According to the mechanism, we are selecting for 24 20 per cent. So out of the three cases, if we are 25 selecting for 20 per cent, then at least we will select</p>

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<p>1 one out of the three.</p> <p>2 MR VICTOR DAWES: So at Wang Fuk Court there are two</p> <p>3 submissions that are randomly selected.</p> <p>4 MR YAM LAP YIN: Right.</p> <p>5 MR VICTOR DAWES: And you told us that over the whole month</p> <p>6 there were only three cases that were selected.</p> <p>7 MR YUNG SIU LUN: Yes. Class I MW with SP, that was</p> <p>8 selected for audit. That was what I'm referring to.</p> <p>9 MR VICTOR DAWES: Basically there were just three cases. So</p> <p>10 if we are selecting for 20 per cent, if you were</p> <p>11 informed, then there would be people inspecting that?</p> <p>12 MR YUNG SIU LUN: Correct.</p> <p>13 MR VICTOR DAWES: I have a number of questions for you.</p> <p>14 According to, if not for the information gap between you</p> <p>15 and BD, you would be there and you will see the access</p> <p>16 openings. So it is not your problem, but the BD's</p> <p>17 problem?</p> <p>18 MR YUNG SIU LUN: No.</p> <p>19 MR VICTOR DAWES: Then what's the point of stating that?</p> <p>20 Are you telling the residents, because of this</p> <p>21 communication error, you failed to see the access</p> <p>22 opening?</p> <p>23 MR YUNG SIU LUN: No.</p> <p>24 MR VICTOR DAWES: Then what were you trying to say?</p> <p>25 MR YUNG SIU LUN: What I was trying to say is that had we</p>	<p>1 safety inspection, you would have seen it?</p> <p>2 MR YUNG SIU LUN: Correct.</p> <p>3 MR VICTOR DAWES: Finally, in your witness statement there</p> <p>4 is a form in paragraph 24. It concerns the regular</p> <p>5 audit of ICU in 2025. The total amount is 1,275 cases.</p> <p>6 MR YUNG SIU LUN: Correct.</p> <p>7 MR VICTOR DAWES: Comparing this figure with the total of</p> <p>8 27,585 MW submissions, if you compare the two, then</p> <p>9 originally in your plan, around 94 per cent of works</p> <p>10 would not have any audit at all; is that correct?</p> <p>11 MR YUNG SIU LUN: Yes.</p> <p>12 MR VICTOR DAWES: Over 27,000 submissions, in your original</p> <p>13 plan you would have conducted 205 site safety checks?</p> <p>14 MR YUNG SIU LUN: Correct.</p> <p>15 MR VICTOR DAWES: Which include 180 SAC and 25 PSAC?</p> <p>16 MR YUNG SIU LUN: Correct.</p> <p>17 MR VICTOR DAWES: As mentioned, SAC will be conducted upon</p> <p>18 the completion of work, and PSAC concerns certain work</p> <p>19 prematurely. Therefore, when BD informed you about site</p> <p>20 safety check, before that, practically, before the</p> <p>21 completion of works, ICU would not conduct any site</p> <p>22 safety check on minor works.</p> <p>23 MR YUNG SIU LUN: Yes.</p> <p>24 MR VICTOR DAWES: In paragraph 43 you said that if you were</p> <p>25 informed, it would have happened. As for the new site</p>
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<p>1 learned about the internal arrangement, we will surely</p> <p>2 comply.</p> <p>3 MR VICTOR DAWES: It is not very helpful for mentioning had</p> <p>4 you known certain things.</p> <p>5 Going back to the email, it explains in details. In</p> <p>6 page 8982 you said that there have been a number of</p> <p>7 meetings and there were a lot of communications between</p> <p>8 you and BD.</p> <p>9 MR YUNG SIU LUN: Correct.</p> <p>10 MR VICTOR DAWES: So what you mean is in spite of so many</p> <p>11 meetings, not once did they tell you about this new</p> <p>12 arrangement, that's why you didn't do it? Is that the</p> <p>13 purpose of this email?</p> <p>14 MR YUNG SIU LUN: The purpose of this email is to spell out</p> <p>15 this event. Perhaps when BD is internally testing the</p> <p>16 new arrangements, well, maybe they have some internal</p> <p>17 optimisations regarding the checking of SP. But when</p> <p>18 they do it, they haven't put in the manual yet. And if</p> <p>19 we were not notified, we wouldn't have known it.</p> <p>20 MR VICTOR DAWES: I have another question for you.</p> <p>21 I understand that you did not discover any issues by</p> <p>22 looking at the photos. Going back to paragraph 43, are</p> <p>23 you trying to say that you would have noticed the</p> <p>24 problem if you had done any site check? If you were</p> <p>25 informed of new arrangement and you go for the site</p>	<p>1 safety policies by BD, it was started in 2025. It set</p> <p>2 a target of 1,070 AFC. How many cases would have come</p> <p>3 with an SP? From your example, it said that it is rare.</p> <p>4 Is it true that the majority of them did not come with</p> <p>5 SP?</p> <p>6 MR YUNG SIU LUN: For class I, I think there would be</p> <p>7 a handful of cases with SP every month.</p> <p>8 MR VICTOR DAWES: If there are only a handful of them every</p> <p>9 month, what you are trying to say is if you are taking</p> <p>10 20 per cent, you will be taking 20 per cent out of those</p> <p>11 handful of cases?</p> <p>12 MR YUNG SIU LUN: Correct.</p> <p>13 MR VICTOR DAWES: Practically speaking, the figures will be</p> <p>14 low. If there are only five cases every month, you will</p> <p>15 only check for one?</p> <p>16 MR YUNG SIU LUN: Correct.</p> <p>17 MR VICTOR DAWES: So the site safety check of ICU, according</p> <p>18 to you, basically even with the new target it is next to</p> <p>19 nothing; is that correct?</p> <p>20 MR YUNG SIU LUN: Are you talking about the number of cases?</p> <p>21 MR VICTOR DAWES: Number of cases, yes. If there are only</p> <p>22 five every month, you would select 20 per cent for</p> <p>23 checking, then there will be next to none. You will not</p> <p>24 be doing SP over thousands of them. If that is the</p> <p>25 case, there would be 200 per month.</p>

<p>Page 57</p> <p>1 MR YUNG SIU LUN: Right.</p> <p>2 MR VICTOR DAWES: You are saying that only a handful of them</p> <p>3 will submit with SP. If you are taking 20 per cent of</p> <p>4 those cases with SP, then maybe just one to two cases</p> <p>5 every month?</p> <p>6 MR YUNG SIU LUN: Correct.</p> <p>7 MR VICTOR DAWES: Would you consider increasing this figure?</p> <p>8 MR YUNG SIU LUN: Now we are complying with the new</p> <p>9 guidelines of BD. We will also increase the percentage.</p> <p>10 MR VICTOR DAWES: Thank you, Mr Yung. I have no further</p> <p>11 questions.</p> <p>12 DR REX AUYEUNG PAK-KUEN: Thank you, Mr Yung. I have</p> <p>13 a question.</p> <p>14 Under your supervision, how many staff are there at</p> <p>15 ICU?</p> <p>16 MR YUNG SIU LUN: Are you talking about MWT?</p> <p>17 DR REX AUYEUNG PAK-KUEN: How many of them are there?</p> <p>18 MR YUNG SIU LUN: 14.</p> <p>19 DR REX AUYEUNG PAK-KUEN: Thank you.</p> <p>20 THE HON MR JUSTICE DAVID LOK: Any further questions from</p> <p>21 other parties?</p> <p>22 If not, Counsel Suen, would you need to take any</p> <p>23 instructions?</p> <p>24 MR JENKIN SUEN: I need some time, like 10 to 15 minutes.</p> <p>25 THE HON MR JUSTICE DAVID LOK: We will adjourn for</p>	<p>Page 59</p> <p>1 we found that the BD had this practice and we really did</p> <p>2 not know. I just wanted to explain this.</p> <p>3 It is not the case that I said we didn't know and</p> <p>4 we didn't do it. I'm just saying that if we had known</p> <p>5 this, we would have done so.</p> <p>6 THE HON MR JUSTICE DAVID LOK: Do you still want to take</p> <p>7 instructions, Mr Suen?</p> <p>8 MR JENKIN SUEN: No, thank you, chairman. I have some</p> <p>9 questions to follow up on with Mr Yung.</p> <p>10 Examination by MR JENKIN SUEN</p> <p>11 MR JENKIN SUEN: I'd like to follow up on the point made by</p> <p>12 chairman.</p> <p>13 I'd like to ask you, Mr Yung, today Mr Dawes Senior</p> <p>14 Counsel said that the practice of the ICU needs to be in</p> <p>15 line with the practice of the BD. Do you agree?</p> <p>16 MR YUNG SIU LUN: Yes.</p> <p>17 MR JENKIN SUEN: In order to stay in alignment, for newly</p> <p>18 built buildings, as we can see, there are site</p> <p>19 inspections; is that correct?</p> <p>20 MR YUNG SIU LUN: Yes.</p> <p>21 MR JENKIN SUEN: For newly erected buildings, when it comes</p> <p>22 to structures, we have different manuals; is that</p> <p>23 correct?</p> <p>24 MR YUNG SIU LUN: Yes.</p> <p>25 MR JENKIN SUEN: Regarding minor works, as you explained the</p>
<p>Page 58</p> <p>1 10 minutes.</p> <p>2 (11.49 am)</p> <p>3 (A short adjournment)</p> <p>4 (11.58 am)</p> <p>5 THE HON MR JUSTICE DAVID LOK: Before the Government asks</p> <p>6 any further questions, I do have a few questions for</p> <p>7 Mr Yung. I would like to seek your comments.</p> <p>8 Summarising what Senior Counsel Victor Dawes has</p> <p>9 asked you, basically many of his questions were asking</p> <p>10 for your explanations. We find it difficult to accept</p> <p>11 the questions that you were asked. When we asked you</p> <p>12 questions, in your response you were trying to put the</p> <p>13 responsibility on the BD. You were saying things like</p> <p>14 "If they had informed me, it wouldn't have happened".</p> <p>15 We have an impression that you were trying to stay</p> <p>16 away from your responsibility, and I'd like to give you</p> <p>17 an opportunity to explain or to respond because the</p> <p>18 Independent Committee will draw some conclusions. When</p> <p>19 we have observations, we'd like to give you an</p> <p>20 opportunity to explain.</p> <p>21 Just now counsel asked you some questions. Based on</p> <p>22 this observation, do you have any response?</p> <p>23 MR YUNG SIU LUN: Regarding communication with the BD, I am</p> <p>24 not passing the buck. It is just a case that after the</p> <p>25 incident, the site monitoring team made an enquiry and</p>	<p>Page 60</p> <p>1 system, there's a difference, and I'm going to ask you</p> <p>2 further questions in a moment regarding the handling of</p> <p>3 minor works. The practice of the ICU needs to be in</p> <p>4 line with that of the BD; is that correct?</p> <p>5 MR YUNG SIU LUN: Yes.</p> <p>6 MR JENKIN SUEN: When the BD has done certain things and you</p> <p>7 have to follow suit, you need to explain to the</p> <p>8 Independent Committee whether you have done so or not;</p> <p>9 right?</p> <p>10 MR YUNG SIU LUN: Right.</p> <p>11 MR JENKIN SUEN: Just now you said that the ICU doesn't want</p> <p>12 to pass the buck, doesn't want to shirk responsibilities</p> <p>13 on to anyone else. And I believe you agree before the</p> <p>14 fire, regarding the system, the onus is on the ICU to do</p> <p>15 certain things?</p> <p>16 MR YUNG SIU LUN: Right.</p> <p>17 MR JENKIN SUEN: I'd like to refer you to paragraph 24 of</p> <p>18 your witness statement. We can see a table here, it</p> <p>19 sets out the different types of audit check that the ICU</p> <p>20 conducts. Just now, as I mentioned, Mr Dawes asked you</p> <p>21 questions about this. This needs to be in line with the</p> <p>22 practice of the BD. In your answer to Mr Dawes'</p> <p>23 question, we talked about the PSAC, that is whether the</p> <p>24 contractors will jump the guns to conduct the works.</p> <p>25 You said the ICU has 25 inspections every year, whereas</p>

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<p>1 the BD has 100.</p> <p>2 MR YUNG SIU LUN: Right.</p> <p>3 MR JENKIN SUEN: The numbers don't tally.</p> <p>4 Just now you talked about in alignment. So how does</p> <p>5 it work?</p> <p>6 MR YUNG SIU LUN: The amount of works we received is less</p> <p>7 than one quarter of that received by the BD. We</p> <p>8 received 20,000 to 30,000-odd, whereas the BD receives</p> <p>9 140,000 to 150,000. Therefore, we use the BD's figure</p> <p>10 as the reference and we take a quarter. When the BD</p> <p>11 does 100, we do a quarter of them, that is 25.</p> <p>12 Another goal or target is that the BD will handle</p> <p>13 1,500 cases altogether, and we also take a quarter of</p> <p>14 this figure, so our target is 1,275. This is how we</p> <p>15 arrived at these two figures. We use the figures of the</p> <p>16 BD as the reference and we take one quarter on these</p> <p>17 figures. And this is completed cases from start to end,</p> <p>18 three figures altogether, different types of check,</p> <p>19 their target -- the target, 500; and for us, 125.</p> <p>20 MR JENKIN SUEN: So from the figures we can see that the BD</p> <p>21 will do more. Whether the BD or the ICU, the percentage</p> <p>22 should be in line with each other; is that correct?</p> <p>23 MR YUNG SIU LUN: Yes.</p> <p>24 MR JENKIN SUEN: I'd like to ask you other questions. Just</p> <p>25 now chairman referred to another area and gave you</p>	<p>1 MR JENKIN SUEN: I understand. Let me take it step by step.</p> <p>2 Regarding building renovations, there were different</p> <p>3 types of works.</p> <p>4 MR YUNG SIU LUN: Right.</p> <p>5 MR JENKIN SUEN: Do they really need to make submissions?</p> <p>6 Just now you explained three classes, that is classes I,</p> <p>7 II and III, and I believe in large-scale renovation</p> <p>8 works, works of different classes were involved. Some</p> <p>9 came with a supervision plan.</p> <p>10 MR YUNG SIU LUN: Right.</p> <p>11 MR JENKIN SUEN: For class III, did they need to submit a</p> <p>12 submission?</p> <p>13 MR YUNG SIU LUN: Yes, even for class III. But under the</p> <p>14 MBIS there were fewer class III, more about class II.</p> <p>15 And for those relating to structure, class I. And two</p> <p>16 works in Wang Fuk Court are under class I.</p> <p>17 MR JENKIN SUEN: Are there any works that do not warrant the</p> <p>18 submission of submissions?</p> <p>19 MR YUNG SIU LUN: Yes. For the replacement of fire-rated</p> <p>20 door, they do not have to make submissions.</p> <p>21 MR JENKIN SUEN: Yes. Any where submissions are not</p> <p>22 required?</p> <p>23 MR YUNG SIU LUN: For simple dismantling works, submissions</p> <p>24 are not required.</p> <p>25 MR JENKIN SUEN: In paragraph 31 you refer to 48 minor works</p>
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<p>1 opportunities to explain. Just now Mr Dawes asked you</p> <p>2 some questions, would someone find that your explanation</p> <p>3 is far-fetched, and I believe one of the scenarios</p> <p>4 chairman referred to is regarding minor works in</p> <p>5 Wang Fuk Court. There were 48 submissions submitted to</p> <p>6 the ICU. I'd like to ask you -- or let us refer to your</p> <p>7 witness statement.</p> <p>8 In paragraph 30 of your witness statement you</p> <p>9 explained there were a total of 48 submissions. I'd</p> <p>10 like to ask, first of all, could you explain to us,</p> <p>11 regarding the renovations of Wang Fuk Court, different</p> <p>12 types of works were involved. I'd like to know whether</p> <p>13 there was one submission for each work. Is it the case?</p> <p>14 MR YUNG SIU LUN: For different types of works, different</p> <p>15 submissions were submitted such as the replacement of</p> <p>16 pipes, repair of facade of the buildings, and for</p> <p>17 repairs to internal areas, and there were also two</p> <p>18 submissions in relation to the canopy or awning. Eight</p> <p>19 blocks and 48 submissions in total.</p> <p>20 MR JENKIN SUEN: When there were such a large amount of</p> <p>21 works, can you tell us how many submissions needed to be</p> <p>22 submitted to the ICU?</p> <p>23 MR YUNG SIU LUN: For the types I mentioned just now, these</p> <p>24 are the works under the MBIS. That is why they</p> <p>25 submitted the 48 submissions in one go.</p>	<p>1 submissions and you selected two.</p> <p>2 Before I ask you further questions, I'd like to go</p> <p>3 over Mr Ku's witness statement with you. In his witness</p> <p>4 statement, he referred to other practices. In Mr Ku's</p> <p>5 statement, paragraph 34, WS1, page 634, Wang Fuk Court</p> <p>6 was under the MBIS. Upon completion of the building</p> <p>7 inspection, MBI3 forms would need to be filled. Is it</p> <p>8 after the building inspection?</p> <p>9 MR YUNG SIU LUN: Yes.</p> <p>10 MR JENKIN SUEN: That is, before large-scale renovation?</p> <p>11 MR YUNG SIU LUN: Correct.</p> <p>12 MR JENKIN SUEN: For the forms, MBI3, after building</p> <p>13 inspection, there are audit checks. And this is within</p> <p>14 the purview of the team headed by Mr Ku?</p> <p>15 MR YUNG SIU LUN: Yes.</p> <p>16 MR JENKIN SUEN: In addition to the inspection report, he</p> <p>17 also mentioned in paragraph 36 when works start and at</p> <p>18 the conclusion of the works, there is MBI4, that is</p> <p>19 a completion report. In the case of Wang Fuk Court,</p> <p>20 works had not completed, so it wasn't yet at the stage</p> <p>21 of MBI4.</p> <p>22 MR YUNG SIU LUN: Right.</p> <p>23 MR JENKIN SUEN: That is why in the case of Wang Fuk Court,</p> <p>24 mainly it's about MBI3. That is under the purview of</p> <p>25 Mr Ku. When there were complaints, minor works MBIS</p>

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<p>1 projects, according to the division of work, it is Mr Ku 2 that will be responsible for it, and, if needed, both 3 your team and Mr Ku's team will oversee such works. 4 MR YUNG SIU LUN: Yes. 5 MR JENKIN SUEN: In your witness statement, paragraphs 30 6 and 31, two cases were selected for AFC and Mr Dawes 7 asked you to refer to the pictures just now. I'd like 8 to ask you, first of all, you did read the two 9 submissions; is that correct? 10 MR YUNG SIU LUN: Yes. 11 MR JENKIN SUEN: When you read them, did you take a look at 12 the pictures as well? 13 MR YUNG SIU LUN: Yes. 14 MR JENKIN SUEN: In that submission, you refer to structural 15 calculations. Let us refer to I1-3, page 7979. 16 Just now Mr Dawes referred to this page. I'd like 17 to go over these pages with you, from page 7980, 7981, 18 7983, some pictures with calculations, 7984, 19 calculations, 7985, 7986. All these are about the 20 replacement of the fire-rated windows, that is the 21 calculations relating to it. 22 MR YUNG SIU LUN: Right. 23 MR JENKIN SUEN: Page 7989, 7990, 7991, 7992, we can see a 24 lot of pictures showing the circumstances of the windows 25 as well as their specifications, all the way to</p>	<p>1 did you notice? Just now Mr Dawes mentioned some 2 windows had been replaced by wooden boards. So based on 3 your recollection, what could you see? Can you tell us? 4 MR YUNG SIU LUN: Focused on some pictures with wooden 5 boards. For other windows, the circumstances were 6 actually the same as the original state. No change. 7 MR JENKIN SUEN: Just like the original state, the one 8 above, it could be opened. 9 MR YUNG SIU LUN: It could be opened. 10 MR JENKIN SUEN: For the middle one, a window. 11 MR YUNG SIU LUN: Affixed metal glass. And this could be 12 seen from the pictures. 13 MR JENKIN SUEN: And the pictures, you could not see whether 14 it has been replaced by a fire-rated window? 15 MR YUNG SIU LUN: Correct. They look very different. 16 MR JENKIN SUEN: Just now Mr Dawes asked you about the 17 checklist. That is, the pictures need to be very clear. 18 When you look at the pictures, and I understand your 19 focus, when you identify some clear violations of the 20 Buildings Ordinance or clear hazards, would that be your 21 concern as well? 22 MR YUNG SIU LUN: Yes. Above all, we need to check the 23 situation on site and whether the minor works could deal 24 with the on-site situation. 25 MR JENKIN SUEN: Just now we looked at Mr Ku's witness</p>
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<p>1 page 8000. 2 MR YUNG SIU LUN: Mmm. 3 MR JENKIN SUEN: When you read this document, based on the 4 calculations, what did you need to do? 5 MR YUNG SIU LUN: I needed to see whether the calculations 6 met the requirements of structures. As I mentioned, it 7 functions as a protective barrier. There are 8 requirements on loading impacts and calculations need to 9 meet the requirements in order to prevent the risk of 10 fall. 11 MR JENKIN SUEN: So structural safety? 12 MR YUNG SIU LUN: Yes. 13 MR JENKIN SUEN: So one of the considerations is that when 14 it comes to such structural calculations, you will check 15 whether this would lead to risks. 16 MR YUNG SIU LUN: Yes. 17 MR JENKIN SUEN: This is what you would pay attention to? 18 MR YUNG SIU LUN: Yes. 19 MR JENKIN SUEN: And you also mentioned that you had taken 20 a look at the pictures. Regarding the checklist, you 21 check whether the pictures show clearly the spots of the 22 replacement of windows. 23 MR YUNG SIU LUN: Yes. 24 MR JENKIN SUEN: And when you looked at the pictures -- as 25 I understand, there were plenty of pictures. So what</p>	<p>1 statement. He explained, after building inspection, 2 MBI3 form, that is what we will have. And upon the 3 completion of the project, we would have MBI4 form. As 4 works had not been completed at Wang Fuk Court, so we do 5 not have MBI4. 6 MR YUNG SIU LUN: Right. 7 MR JENKIN SUEN: Before the fire, from the perspective of 8 works, depending on the nature of works, for some works, 9 submissions are required, whereas for some others, 10 submissions are not required. In the course of 11 construction, unless you receive complaints, otherwise, 12 you will not go to the site for on-site inspections. 13 MR YUNG SIU LUN: Right. 14 MR JENKIN SUEN: Targeting minor works, all works under the 15 MBIS, it seems at that time, based on the system, in the 16 process of construction, there wouldn't be any 17 inspection. As you mentioned, you rely on 18 self-regulation among the industry. Can you explain the 19 purpose or the intent of the policy? 20 MR YUNG SIU LUN: Well, we need to provide a simplified 21 method. If they need to file plans every time for 22 repairs or maintenance, it's a matter of time, and costs 23 will be entailed as well and they will also have to 24 engage a professional to do so. We aim to provide 25 a platform which acts as another method for them to</p>

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<p>1 carry out such more easily, and it will also be less</p> <p>2 time-consuming, as it only takes seven days for notice.</p> <p>3 For works of different scale, they can also carry on</p> <p>4 such works, and this will allow them to conduct the</p> <p>5 works in a lawful manner and this is better than</p> <p>6 appointing anyone else to conduct the works, and the</p> <p>7 quality might be compromised in this case.</p> <p>8 MR JENKIN SUEN: In the case of Wang Fuk Court, regarding</p> <p>9 the works on window replacement, under the MBIS, of</p> <p>10 course we have an RI, we also have the contractor, PC&E,</p> <p>11 that is Prestige.</p> <p>12 Regarding minor works, you selected two submissions.</p> <p>13 As Mr Dawes just now mentioned two professionals, one</p> <p>14 surnamed Chik, that is an RSE, registered structural</p> <p>15 engineer; the other, Lai Ka Wing, AP. Can you explain</p> <p>16 what does AP mean, authorised person?</p> <p>17 MR YUNG SIU LUN: Architect, engineer, surveyor, they need</p> <p>18 to go through examinations before they can obtain the</p> <p>19 qualification. For class I, we rely on this</p> <p>20 professional to coordinate and manage the works. They</p> <p>21 are responsible for class I minor works.</p> <p>22 MR JENKIN SUEN: In other words, for window replacement</p> <p>23 works or in the process of construction, Mr Lai Ka Wing</p> <p>24 and Mr Chik, do they have any role to play, any</p> <p>25 responsibility on their parts?</p>	<p>1 THE HON MR JUSTICE DAVID LOK: Understood.</p> <p>2 MR JENKIN SUEN: As I said, the ICU, as other departments,</p> <p>3 do have the responsibility. Towards the end of 2025 or</p> <p>4 early 2026, in connection with class I works with SP,</p> <p>5 then you will be aligning with the BD, that 20 per cent</p> <p>6 will be randomly selected. This started in January. We</p> <p>7 are in May; are you doing that?</p> <p>8 MR YUNG SIU LUN: Yes. We are implementing this once we</p> <p>9 become aware of that. In January they have got this</p> <p>10 updated. This requirement has been updated. We will be</p> <p>11 following this and we are intending to increase</p> <p>12 percentage beyond 20 per cent.</p> <p>13 MR JENKIN SUEN: Nobody would like to see this incident, but</p> <p>14 you must be in agreement that we should get the job done</p> <p>15 well?</p> <p>16 MR YUNG SIU LUN: Right.</p> <p>17 MR JENKIN SUEN: Before I put my final question to you,</p> <p>18 I1-3, page 6222. The chairman put a question a moment</p> <p>19 ago about the other professionals, the supervision</p> <p>20 seemed to be too broadly divided. There are signatures</p> <p>21 under the photos. The name and signature of the</p> <p>22 prescribed authorised person, who signed on the box?</p> <p>23 MR YUNG SIU LUN: Class I. According to the form, if they</p> <p>24 sign on the form, it means that they have to make sure</p> <p>25 that the plan and the photos are in compliance with the</p>
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<p>1 MR YUNG SIU LUN: As I said, in terms of design and</p> <p>2 inspection, they will be responsible for that. When the</p> <p>3 form has been submitted, it will be proceeded in</p> <p>4 accordance with the plan. Mr Lai will have to carry out</p> <p>5 the inspection once a week and Mr Chik will have to</p> <p>6 conduct inspection once a week. There is -- the</p> <p>7 contractor with T1 qualification will need to conduct</p> <p>8 inspection every week, and the one who signed the</p> <p>9 document. Also there are five people who will be</p> <p>10 monitoring the work.</p> <p>11 THE HON MR JUSTICE DAVID LOK: Let me get in a question.</p> <p>12 The responsibilities are extensively divided. I'm</p> <p>13 wondering whether it would be like the FS contractors</p> <p>14 and they will be shifting the responsibility. If they</p> <p>15 see the opening, they may say, "I'm not sure what other</p> <p>16 contractors are doing". So would this give rise to</p> <p>17 a problem, that because of the extensive division of</p> <p>18 responsibilities, people who see the hazard may not</p> <p>19 otherwise know what to do? Will these kind of</p> <p>20 situations arise?</p> <p>21 MR YUNG SIU LUN: In the course of work, the APs will have</p> <p>22 to make sure that there is compliance with the law. If</p> <p>23 there are irregularities spotted, they will handle them.</p> <p>24 If they cannot deal with that, they will have to notify</p> <p>25 the BA, and then it would be for us to deal with it.</p>	<p>1 BO.</p> <p>2 MR JENKIN SUEN: Page 6222, if you move further up. The MW</p> <p>3 includes the protection barrier and also alteration of</p> <p>4 windows.</p> <p>5 MR YUNG SIU LUN: For this project they are presenting this</p> <p>6 in one project and the window serves as a protection</p> <p>7 barrier as well as a fire-rated window.</p> <p>8 MR JENKIN SUEN: There was a question put by a member. The</p> <p>9 ICU is responsible for the MW; there are 14 staff</p> <p>10 members. Can you tell us, are they of the same rank?</p> <p>11 How does it work?</p> <p>12 MR YUNG SIU LUN: I have four professionals under me and</p> <p>13 five technical officers. For the others, they are</p> <p>14 clerical staff and they have to deal with all the minor</p> <p>15 works across Hong Kong, that's under the ICU.</p> <p>16 MR JENKIN SUEN: Understood. Finally, I did put a question</p> <p>17 like this before but just to clarify with you further.</p> <p>18 The chairman mentioned that you are not seeking to</p> <p>19 pass the buck to other departments. I'd like to seek</p> <p>20 clarification here. Can you elaborate on this. The ICU</p> <p>21 in this issue does have certain responsibility. Do you</p> <p>22 agree?</p> <p>23 MR YUNG SIU LUN: Yes, I do. I'd like to reiterate that</p> <p>24 I am from the ICU. The site monitoring unit, it's not</p> <p>25 my unit, but I'm just telling the Committee what I know.</p>

<p style="text-align: right;">Page 73</p> <p>1 I never had any intention of saying it is none of my 2 business. We are trying to say that we are responsible. 3 We're not mentioning anybody else. 4 MR JENKIN SUEN: Senior Counsel Dawes asked you the 5 question. You admitted honestly that if you looked 6 closely at the photos, you might have become aware that 7 that was the access openings, not to mention you've 8 never seen it before. 9 MR YUNG SIU LUN: Right. 10 MR JENKIN SUEN: Thank you very much, Mr Yung. I've got no 11 further questions. 12 THE HON MR JUSTICE DAVID LOK: Any follow-up? 13 Thank you, Mr Yung. 14 (The witness was released) 15 (12.27 pm) 16 MR VICTOR DAWES: Chairman, we are ahead of time. There are 17 two witnesses tomorrow. 18 THE HON MR JUSTICE DAVID LOK: So you have to separate the 19 witnesses. 20 MR VICTOR DAWES: Yes, we can only continue tomorrow. 21 THE HON MR JUSTICE DAVID LOK: Counsel Yu will be dealing 22 with the two witnesses? 23 MR VICTOR DAWES: Right. 24 THE HON MR JUSTICE DAVID LOK: 10 o'clock tomorrow morning. 25 (12.28 pm)</p>	
<p style="text-align: right;">Page 74</p> <p>1 (The hearing adjourned until 10.00 am 2 on Friday, 8 May 2026) 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	