

COMMISSION OF INQUIRY INTO THE DIAPHRAGM WALL AND
PLATFORM SLAB CONSTRUCTION WORKS
AT THE HUNG HOM STATION EXTENSION
UNDER THE SHATIN TO CENTRAL LINK PROJECT
APPOINTED PURSUANT TO SECTION 2 OF THE COMMISSION
OF INQUIRY ORDINANCE (CHAPTER 86) ON 10 JULY 2018

WITNESS STATEMENT OF LOO KAM-WAH, MAURICE, JP

I, LOO Kam-wah, Maurice, Deputy Secretary for Development (Planning and Lands) 2 (“**DS(PL)2**”) of 18/F, West Wing, Central Government Offices, 2 Tim Mei Avenue, Tamar, Hong Kong, do say as follows:-

1. I am the Deputy Secretary for Development (Planning and Lands) 2 and have held this position since July 2015. My main duties are to oversee the policy on urban renewal, private building control and land registration.

2. I make this Witness Statement pursuant to the request of the Commission of Inquiry (“**the Commission**”) into the Diaphragm Wall and Platform Slab Construction Works at the Hung Hom Station Extension under the Shatin to Central Link Project (“**SCL**”), conveyed in a letter from Lo & Lo, the Solicitors for the Commission, to the Secretary for Development (“**the Secretary**”) and the Director of Buildings of 6 August 2018 (“**the 6 August Letter**”). Save where otherwise appears, the facts deposed hereto are within my personal knowledge or are derived from office files and records and sources to which I have access and are true to the best of my knowledge, information and belief. Save as otherwise specified, this Statement adopts the same abbreviations and nomenclature as in the 6 August Letter.

3. The Development Bureau (“**DEVB**”) comprises the Planning and Lands Branch (“**PLB**”) and the Works Branch (“**WB**”). This Witness Statement addresses Questions 1 and 2 at page 6 of the 6 August Letter from the perspective of the PLB. I understand that Mr CHAU Siu-hei, Deputy Secretary (Works) 3 of the WB will provide a witness statement addressing the relevant questions in the 6 August Letter from the perspective of the WB.

4. The PLB is responsible for, amongst other things, policy matters on private building control and the housekeeping of the Buildings Department (“**BD**”). Specifically, the Buildings Unit under the Urban Renewal and Buildings Division of the PLB is responsible for the aforesaid matter. The Buildings Unit is headed by Principal Assistant Secretary (Planning and Lands) 3 (“**PAS(PL)3**”) who is underpinned by four Assistant Secretaries and three consultants under the Post-Retirement Service Contract Scheme. PAS(PL)3 is supervised by the Permanent Secretary for Development (Planning and Lands) and DS(PL)2. The Organisation Chart of PLB is appended at **Annex LKW-1**.

5. As the BD’s policy bureau, the PLB formulates and reviews, from time to time, policies on quality control of private buildings. In this regard, the PLB’s major roles are to steer and sponsor relevant legislative proposals related to private building control¹, including amendments to the Buildings Ordinance (“**BO**”) (Cap. 123); provide support to the BD in seeking internal financial resources for the operation of the BD; and provide policy steer on matters concerning the operation of the BD. For example, the Secretary sponsored the tabling of the Technical Memorandum for Supervision Plans 2009 (which was drawn up by BD in consultation with relevant construction industry stakeholders) in the Legislative Council. Further, under section 46(2) of the BO, the Secretary is empowered to appoint secretary to the Appeal Tribunal (Buildings). Such power has been delegated to DS(PL)2, i.e. myself. The Chief Executive has also delegated the powers conferred to her in relation to the Appeal Tribunal Panel and the Appeal Tribunal under section 45 and section 48 of the BO to the Secretary and Deputy Secretaries of the PLB, including myself.

6. As per section 2 of the BO, the Building Authority (“**BA**”) means the Director of Buildings. The BA and his delegated public officers act independently in discharging their statutory responsibilities under the BO. As such, the PLB is not involved in the daily operation of the BD and, insofar as the present case is concerned, in the construction, quality control, supervision, monitoring and inspection of the diaphragm wall and the platform slab construction works at the Hung Hom Station Extension project under the SCL.

¹ Section 38 of the BO provides for the Secretary’s power to make regulations and section 39A provides for the Secretary’s power to issue technical memorandum.

7. Having said the above, under section 5(1) of the BO, the Secretary may, from time to time, appoint a disciplinary board to conduct a hearing of disciplinary proceedings against an authorized person, a registered structural engineer, a registered geotechnical engineer or a registered inspector. Under section 11(1) of the BO, the Secretary may, from time to time, appoint a disciplinary board to hear and determine any proceedings against a registered general building contractor, a registered specialist contractor or a minor works contractor. Under section 5AA(2)(a) and section 11AA(2), the secretary to such disciplinary boards shall be appointed by the Secretary for the purpose of providing administrative services to the board.

8. To the best of my knowledge and upon an extensive file search, matters relating to quality control, supervision, monitoring and inspection of the diaphragm wall and the platform slab construction works at the Hung Hom Station Extension project did not come to the knowledge of the PLB until reports began to appear in the local media in late May 2018.

9. As to the other questions in the 6 August Letter, I understand that the relevant officers of WB and BD will provide witness statements to assist the Commission.

10. I confirm the contents of this Witness Statement to be true to the best of my knowledge, information and belief.

Dated this 12th day of September 2018



(LOO Kam-wah, Maurice)
Deputy Secretary for Development
(Planning and Lands) 2
Development Bureau