

**Minutes of Joint Meeting of the Housing Authority BUILDING
COMMITTEE and COMMERCIAL PROPERTIES COMMITTEE
held on Wednesday, 7 January 1998**

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PRESENT

Mr Victor H W SO, JP (**Chairman**)
Hon Rosanna WONG Yick-ming, JP
Mr Nicholas BROOKE, JP
Mr LEE Wing-tat
Mr Daniel LAM, JP
Mr Joseph CHOW Ming-kuen, JP
Mr WAN Man-yee
Ms Iris TAM Siu-ying
Mr J A MILLER, JP (Director of Housing)
Mr CHAN Ka-kui, JP
Mr Philip NUNN
Mr Albert S K POON
Prof Patrick LAU Sau-shing
Mr C D B WILLIAMS (Assistant Director of Home Affairs/2)
Mr Marco M H WU, JP (Deputy Director /Management)
Mr Stephen S C POON, JP (Deputy Director/Works)

ABSENT WITH APOLOGIES

Mr CHAN Kam-man, JP
Mr YEUNG Ka-sing, JP
Mr Raymond CHOW Wai-kam, JP
Mr NG Shui-lai, JP
Prof Tunney LEE
Mr LEE Kai-ming (Out of Hong Kong)
Dr Sarah Mary LIAO Sau-tung, JP
Mr Raymond TSE Chee-on (Out of Hong Kong)
Secretary for Works

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IN ATTENDANCE

Mr R A BATES, JP	(Business Director/Commercial and Services)
Mr Vincent TONG	(Business Director/Management) (Ag)
Mr Joseph KONG	(Business Director/Development) (Ag)
Miss Jennifer MAK	(Director Corporate Services)
Mr R J AVON	(Finance Director)
Mr C H LEE	(Assistant Director/Commercial Properties)
Mr Simon LEE	(Assistant Director/Legal Advice)
Mrs Doris MA	(Assistant Director/Development)
Mr John CHIU	(Assistant Director/Construction Services)
Mr K T POON	(Assistant Director/Information and Community Relations)
Mr David LEE	(Project Director/Works)
Ms Ada FUNG	(Project Director/Project Management) (Ag)
Mr B WONG	(Assistant Director/Management 3) (Ag)
Mr Helius NG	(Chief Assistant Secretary/Professional Services, Works Bureau)
Mrs Lily TSANG	(Chief Treasury Accountant/Treasury & Business Analysis)
Mr I C LAI	(Chief Housing Manager/Commerical Properties)
Mr Brian MA	(Chief Maintenance Surveyor/South) (Ag)
Mrs Jennifer YIU	(Chief Maintenance Surveyor/North) (Ag)
Mr John NG	(Chief Architect/3) (Ag)
Mr T K C CHING	(Senior Architect/23)
Mr W M SUEN	(Senior Architect/18) (Ag)
Mr K F IP	(Structural Engineer/Special Services 1)
Miss Mimi YEUNG	(Senior Publicity Officer/News)
Miss Kathy NG	(Assistant Committees' Secretary/3) (Secretary)

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The Chairman of Housing Authority proposed and Members agreed to appoint Mr Victor SO to chair the Joint meeting in accordance with Standing Order No. 21. The meeting was opened at 8:45 a.m.

Report on the Failure of Glass Balustrade at Ping Tin Shopping Centre (Paper Nos. CPC 2/98 and BC 2/98)

2. **Mr Brian MA** presented the paper and the full report of the investigation team. A letter dated 6 January 1998 from the Building Contractor, Shui On Building Contractors Ltd (Shui On), was tabled at the meeting.

3. In response to Members' enquiries about the full report of the investigation team, the Department made the following clarifications -

- (a) After the incident on 22 December 1997, the investigation team found that the top handrail of the failed panel was free to rotate because there was no screw or welding, and inadequate glass panel anchorage at both top and bottom ends. Whether spot welds were in position before the glass panel failed was unknown. From the superficial inspection by the site staff, there was no prominent sign of high temperature or residue of spot weld on the handrail.
- (b) There was no witness who could suggest whether the glass panel actually broke before the accident or it failed with the boy and then broke when it hit the ground. As the failed glass panel was removed after the incident, the Department had no chance to look at the broken glass panel.
- (c) The investigation team survey record on sealant and spot weld in Annex 7 of the full report indicated that panel nos. 14, 15 and 17 had no welding. From the observation of the site staff, there was also no residue of spot weld on these panels.
- (d) The investigation team survey record on sealant and spot weld in Annex 7 of the full report showed that the depth of the edge covers of the glass panels varied from 3 mm to 12 mm. Given the great variation in the depth of the edge covers, a Member enquired whether the investigation team had tried to apply some

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force to a glass panel which had edge cover of only 3 mm to test the stability of the panel. In response, the Department said that the investigation team had not done this trial because of the time limit and that it would involve a lot of very technical and scientific assessments.

- (e) Referring to Annex 6 of the full report, a letter was issued on 5 January 1998 by Architect/14 recording Architect/20's agreement on Shui On's proposed alternative top rail fixing method by spot weld. Architect/20 was the Project Architect from commencement of the project up to its completion on 26 January 1997. The site instruction of 5 January 1998 was issued by Architect/14 because he had subsequently replaced Architect/20 to be the Project Architect.

(Post meeting notes: Architect/14 replaced Architect/20 to be the Project Architect for Ping Tin Shopping Centre on 24 November 1997.)

- (f) According to the Project Architect, there was no prescribed sequence of installation of the glass panels. The method of installing the glass panels was detailed in Shui On's report in Annex 2 of the full report.
- (g) The single operator, Wang On Shopping Centre Management Ltd. (Wang On) reiterated several times that they had not done any alteration work to the balustrade. They only did some fitting out work very close to the balustrade as indicated in Annex 12 of the full report.
- (h) The Project Team had carried out a final inspection on the glass panel balustrade but no defect was found except that general cleaning was required. Also, after Wang On took over the premises, they had sent three lists of defect to the Project Team which included detailed description of defects, such as missing sealant at the joint of the escalator. However, there was no defect reported on the glass panel balustrade.
- (i) The investigation team interviewed the Work Supervisor who confirmed that every glass panel had sealant and welding when he carried out the final inspection.

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- (j) BS6262 was stipulated under the Authority's general specification which required a minimum edge cover of 9 mm for 12 mm thick glass. The investigation team considered that BS6180 was a more appropriate standard for the glass panel balustrade. Under BS6180, a minimum edge cover of 15 mm was required for 12 mm thick glass. However, the general specification only covered the general situation. In case the architect chose a special design for the handrail as in this case, there should be an item in the particular specification stating what should be done for that particular handrail design. It should be the particular specification where BS 6180 should have been inserted.
- (k) Under the current system, procedures and guidelines for site inspection by the Site Inspection Team were given in the Site Inspection Manuals. Detailed inspection guidelines for site inspection were provided in the standard inspection forms for metal work and glazing on a trade-by-trade approach. In the form for metal works, there were items for checking on defects of welds, welded service and also the fixing. As for glazing, the dimension of glass panels and the sealant were standard items on the checklist. Also, there was another form for final checking. Moreover, in case the project team or chief architect chose a special design, there was another form under the miscellaneous works heading. In this form, it was for the chief architect to specify what were the items to be inspected, both during construction and in final inspection.
- (l) Approval from the Department had to be sought before the tenant could carry out any alteration work in the shopping centre. However, it was the duty of tenant to ensure that all the alterations complied with the Department's approval and that the Department would not supervise the alteration work.

4. Members' views were summarized as follows -

- (a) Referring to Shui On's report of 29 December 1997 in Annex 2 of the full report, Shui On had implied that the glass panel

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concerned had been dismantled and reassembled by Wang On. However, this suggestion was denied by Wang On. Without knowing the actual facts, Members considered that Shui On's report should not be conclusive.

- (b) Members wondered why the Project Team or Wang On could not spot out the missing sealant at various locations which could be easily detected.
- (c) Members requested to interview Architect/20 who supervised the work of the Ping Tin Shopping Centre so as to obtain first hand information and clarifications about the incident.

(Mr Joseph CHOW left the meeting at this juncture.)

5. The Director of Housing said that despite the existence of conflicting evidence and unanswered questions, two aspects of departmental responsibility stood out. One being the installation of the non-standard design and the other being inadequate inspection procedures. The focus of the inspection had been on the completed product rather than on the assembly process. Besides, detailed inspection on the specifications of materials after the completion of the internal works was not allowed. The Department would need to follow up on the duty of care notwithstanding the contractual arrangements between the Department and the single operator. There was also a requirement that the Department reviewed its inspection procedures when the single operator had tampered with the original works. As Head of the Department, the Director of Housing accepted full responsibility of the duty borne by the Department.

6. Members commented that there should be more involvement from structural engineers so that supervision on architectural features involving structural significant could be strengthened. The Department was informed that in the private sector, structural calculations had to be submitted jointly by the contractor and the structural engineer. It was proposed that the Department might consider improving the coordination between the contractors and the architects.

7. Since there was inter-relationship among the Housing Department staff, the contractor and the single operator, it was suggested that one body instead of three be set up to coordinate the follow-up actions. The Department was of the view that its principal concern was to best serve

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the public interests and thus it was vital to make known to the public as quickly as possible the probable cause and the intended actions to prevent recurrence. Disciplinary actions against different parties could be dealt with separately although there was inter-relationship among them. The Department would ensure co-ordination. Some Members opined that how the penalty was worked out was not of primary importance as long as the Authority had the determination to find out the truth.

8. As regards making the report of the Investigation Team available to the public, a Member commented that it might not be appropriate to release the “without prejudice” documents contained in the report. The Department responded that because of its public accountability, the reports had to be made public. Wang On and Shui On were aware of the purpose of the investigation, had seen the report and had expressed no objection to publishing the report.

9. As the designer and the supervisor of the project were both Departmental staff, it was suggested that a third party be appointed to investigate the incident. In response, the Department said that the process of engaging an outside expert would entail delays. Having regard the urgency of the matter, the Department decided to prepare the report by its own investigation team. However, outside consultancy might be employed if Members considered this necessary.

10. Given that a few insurance companies were involved, there could be conflict of interests. Moreover, claims and counter-claims might come about. A Member cautioned that the insurance matter should be carefully handled. It was suggested that legal advice be sought and the whole exercise be handled in a very coordinated and structured way. Members were informed that the Authority had its own public liability insurance and all the related matters were being coordinated through its insurance advisor and loss adjuster.

11. It was observed that the defect liability of Shui On would expire on 26 January 1998 and there was concern over the legal position on the outstanding defects. The Department said that they would pursue proposal from Shui On rectifying the unauthorized modifications. In view of the lengthy compensation procedures, the Department was in close contact with the victim’s family and informed them that the Department was ready to assist in any way it could.

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12. It was opined that a right culture and attitude of the construction industry was the key to site safety and quality works. It was suggested that the Committee's commitment on promoting the importance of a correct attitude and culture be included in the publicity.

13. A Member commented that the respective Committee would go through the same exercise whenever a problem occurred and suggested that the Department should undertake to carry out a genuine review of the system. The Department stressed that the incident was being treated seriously and that was why the report was completed within two weeks and the joint meeting was called for. Members were given assurances of the Department's commitment to take follow up actions and to review the system to avoid recurrence.

14. In reply to a Member's request to explicitly spell out the consideration of legal actions and further investigations, the Department said that both issues were implicitly included in paragraph 6 (b) of the paper.

15. A Member commented that the public and the media would press for a date of the final outcome. The Department responded that it was difficult to set a time scale as there remained areas for clarification and ensuring due process by allowing the parties concerned to state their case to the respective Committees.

16. Members were requested to note that the report was designed to establish probable cause and prevent recurrence and not to recommend disciplinary actions or determine responsibilities. The Department was of the view that setting up a separate Committee was not appropriate and supported the Way Forward proposed by the Investigation Team. Furthermore, the Building Committee (BC) and the Commercial Properties Committee (CPC) each had different responsibilities and should be capable of operating independently.

17. After discussion, Members **noted** the report of the Independent Investigation Team and the Way Forward as detailed in paragraph 6 (a) and (c) of the paper. As for paragraph 6 (b), Members **agreed** that the Departmental staff, the contractor and the single operator could be held responsible for the incident and further actions including disciplinary actions should be considered by BC, CPC and the Department separately as follows-

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- (i) Housing Department Staff - The Director of Housing to examine staff accountability and to take appropriate action under the Civil Service Regulations.
- (ii) Contractor - The Building Committee to examine in accordance with procedures established by the Committee.
- (iii) Single Operator - The Commercial Properties Committee to examine in accordance with procedures established by the Committee.

18. It was also agreed that the three parties were to come back to the joint committee on their findings and the Department would facilitate close coordination among them on the follow up actions.

19. There being no other business, the meeting closed at 11:57 a.m.

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CONFIRMED on

Mr Victor SO, JP
(Chairman)

Miss Kathy NG
(Secretary)