

**Independent Committee in relation to the
Fire at Wang Fuk Court in Tai Po**

WITNESS STATEMENT OF LI Man-pong

I, LI Man-pong, Senior Divisional Occupational Safety Officer (Operations Division) (New Territories East and Kwun Tong Region)1 (“SSO(E)1”), Labour Department, Units 06-07, 19/F, Millennium City 6, 392 Kwun Tong Road, Kwun Tong, Kowloon, do say as follows:-

1. I am a Senior Divisional Occupational Safety Officer of the Labour Department (“LD”) of the Government of the Hong Kong Special Administrative Region. I have joined the LD for more than 16 years since about May 2009 and was promoted to the present rank and assumed the current post on 1 December 2025. My main responsibilities include, but are not limited to, the following:-
 - (1) supervising five offices under the building and engineering construction (“BEC”) stream in New Territories East and Kwun Tong Region Occupational Safety of Occupational Safety - Operations (“OS-O”), Occupational Safety and Health (“OSH”) Branch of LD. Each office is led by a divisional occupational safety officer (“DSO”) responsible for enforcing the Occupational Safety and Health Ordinance (“OSHO”) (Cap. 509), the Factories and Industrial Undertakings Ordinance (“FIUO”) (Cap. 59), and their subsidiary legislation to ensure that duty holders working in the construction sites (including repair, maintenance, addition and alteration (“RMAA”) sites and new works sites) in the districts under their respective purview, namely Tai Po, North, Sha Tin and Sai Kung, are complying with their statutory duties;

- (2) investigating complaints against staff under my charge;
 - (3) assisting the Deputy Chief Occupational Safety Officer (New Territories East and Kwun Tong Region) to formulate operations strategies of the Region.
2. Enforcement of OSH legislation in the maintenance and renovation works at Wang Fuk Court (“WFC”) falls within the working boundary of Minor Renovation and Maintenance Works-2 Office (also known as (MRM)2 Office), which is led by DSO(MRM)2, one of the five DSOs under my charge.
 3. I make this Witness Statement pursuant to the request of the Independent Committee (“Committee”) in relation to the fire at Wang Fuk Court in Tai Po as set out in a letter from Messrs. Lo & Lo, Solicitors for the Committee, to the Commissioner of Labour (“CL”) dated 27 December 2025 (“27 December Letter”) in which specific questions were raised in paragraphs 1 to 3, 7 to 18 (“Questions”). 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 which are true to the best of my knowledge, information and belief. Save as otherwise specified, this Witness Statement adopts the same abbreviations and nomenclature as in the 27 December Letter.
 4. In this Witness Statement, I shall address **Questions 8, 9, 11.4, 11.5, 12.1 to 12.3, 13, 14 and 16** of the 27 December Letter. Other Questions which are within LD’s purview will be addressed in the witness statements of other relevant officers of LD to the Committee.
 5. I understand that LD will produce to the Committee a List of

Documents (“**LoD**”), a draft of which I have read, indexing all relevant documents in LD’s possession. In this Witness Statement, I shall refer to these documents by their designation in the LoD (for example, [**LD/A/1**] means Item 1 in Part A of the LoD) without annexing them hereto for the avoidance of duplication.

6. This Witness Statement is divided into the following parts:-
- (1) **Part A** describes the inspection regime in respect of large-scale building maintenance and renovation works in Hong Kong by Occupational Safety Officers (“**OSOs**”), in answer to **Questions 8 and 9**;
 - (2) **Part B** describes the inspection of scaffolding nets by OSOs, in answer to **Questions 8, 9 and 12.1 – 12.3**;
 - (3) **Part C** describes the inspection of smoking issues at construction sites by OSOs, in answer to **Questions 8, 9, part of 13 and 14**;
 - (4) **Part D** describes the inspection of means of escape (“**MOE**”) on construction sites by OSOs, in answer to **Questions 8, 9 and 16**;
 - (5) **Part E** sets out investigations of complaint against the then DSO(MRM)² in connection with LD’s reply of 4 October 2024, in answer to **Question 11.4**; and
 - (6) **Part F** addresses the Committee’s request in **Question 11.5** for information about (i) complaints and follow-up; and (ii) enforcement actions taken in connection with smoking during the last 10 years.

Part A – Inspection regime of large-scale building maintenance and renovation works in Hong Kong by OSOs (in answer to Questions 8 and 9)

7. Occupational safety inspections conducted by OSOs are surprise inspections. From large-scale infrastructural sites, building sites to RMAA of small-scale flats, OSOs under the BEC stream conduct inspections upon receipt of a notification of construction work from a contractor under regulation 56 the Construction Sites (Safety) Regulations (“CSSR”) (Cap. 59I) ([LD/A/5]), an OSH complaint, or a work accident referral, to ensure that duty holders, including employers and employees at workplaces, comply with statutory requirements. Generally, OSOs would, from workers’ safety point of view, pay attention to the work process being carried out, plant and machinery being used on the construction sites, safety equipment used by workers, etc, when carrying out inspections. Properties of construction materials used at a construction site, such as foam boards, are usually not the main focus of OSH inspections. [LD/A/5]
8. To ensure the consistency of inspection and investigation work, OSOs of OS-O are each provided with detailed guidance as contained in various administrative instruments, including Orders, Guidelines and Practice Codes relevant to the large-scale RMAA sites at [LD/D/1-12], the details of which are tabulated below:- [LD/D/1-12]

	<u>LD Internal Administrative Instruments</u>	<u>Description</u>	<u>LoD Reference</u>
1.	Departmental Permanent Order No. 30	This order set out the procedures for dealing with complaints from the public. If a complaint is lodged against a staff member of LD, it	LD/D/1

		would be handled pursuant to this order. It sets out the procedures to be followed in LD on receipt of complaints from members of the public direct or referred by other bureau/ departments/ organisations.	
2.	Departmental Permanent Order No. 104	This order sets out the delegation of powers under section 40(2)(c) of the Interpretation and General Clauses Ordinance, Cap. 1.	LD/D/2
3.	Departmental Permanent Order No. 205	This order sets out the authorisation from CL to OSOs for exercising the powers in the OSHO.	LD/D/3
4.	Standing Order (Occupational Safety) No. C-2	This order includes the Enforcement Procedures of OS-O.	LD/D/4
5.	Standing Order (Occupational Safety) No. G-1	This order sets out the operational policies of BEC Offices.	LD/D/5
6.	Standing Order (Occupational Safety) No. G-2	This order, including the “ Inspection Checklist ” appended thereto, sets out the operational procedures of BEC offices.	LD/D/6
7.	Standing Order (Occupational Safety) No. F-2	This order sets out the procedures to OSOs for investigation of accidents.	LD/D/7
8.	Standing Order (Occupational	This order sets out the requirements to OSOs for reporting of accident investigation.	LD/D/8

	Safety) No. F-3		
9.	The Enforcement Guideline (Occupational Safety) No. Cap. 59I-1 (“EG”)	This guideline lays down the general guideline for enforcing Part VA of the CSSR, which focuses on work-at-height safety.	LD/D/9
10.	Practice Code for OSOs – Inspection	This practice code is supplementary to the existing departmental, branch and Occupational Safety Services orders and guidelines, and should be read in conjunction with them where appropriate. It aims at enhancing the effectiveness and efficiency of inspection at operational level.	LD/D/10
11.	Practice Code for OSOs – Handling complaints	This practice code aims to provide practical guidance supplementary to those set out under other administrative documents to assist OSOs in carrying out relevant operational procedures when dealing with complaints from members of the public or employees of an organization or referred by other sources against unsafe work activities and working conditions.	LD/D/11
12.	Practice Code for OSOs – Accident investigation	This order sets out the procedures to OSOs for investigation of accidents.	LD/D/12

9. The above instruments are applicable to all construction sites, including large-scale building maintenance and renovation works sites. OSOs are required to adhere to the instruments to conduct inspections, complaint investigations and accident investigations.

Inspections and inspection records

10. There are different types of inspection conducted by OSOs to the construction industry. The inspections conducted for the maintenance and renovation works at WFC included “Initial Inspection”, “Normal Inspection” and “Special Enforcement Operation”.
 - (i) Initial Inspection – this refers to the first inspection of construction sites upon receiving notifications of construction work from contractors and/ or conducting investigations into complaints/ work accident;
 - (ii) Normal Inspection – this refers to the routine and general inspections, other than the Initial Inspection, of construction sites. Most inspections conducted by OSOs fall under this category; and
 - (iii) Special Enforcement Operation – this refers to territory-wide enforcement campaigns, initiated by OS-O headquarters, and conducted by OSOs within a period (normally 2 - 3 weeks) to inspect particular sites, activities, plant, and/ or work processes with higher OSH risks for the sake of enhancing regulatory compliance and prevent accidents through intensified enforcement actions.
11. OSOs record their inspection findings and observations on “Information Sheet”, “Machinery List”, “Inspection Worksheets” and “Inspection Checklists”. All these documents along with recommended follow-up actions are submitted to their respective DSOs for consideration by means of minutes. Templates of these documents are enclosed in the Standing Order (Occupational

Safety) No. G-2 - the Operational Procedures for the BEC Offices at [LD/D/6].

[LD/D/6]

Methods of Enforcement

12. Pursuant to section 34 of OSHO, an OSO may, in the name of CL, bring and conduct a prosecution for any offence against OSHO. Pursuant to section 17 of the FIUO, CL in his own name may bring, and an officer of LD may commence and conduct, a prosecution for an offence under FIUO.

13. Pursuant to sections 9 and 10 of OSHO [LD/A/3], OSOs may, in addition to prosecution, serve legal notices, including improvement notices (“INs”) and suspension notices (“SNs”), to duty holders to require them to remedy the contravention of FIUO or OSHO or to stop an activity, or the use of equipment, machinery, plant or substance in a construction site. Standing Order (Occupational Safety) No. C-2 - the Enforcement Procedures of OS-O ([LD/D/4]), lays down the criteria in determining enforcement and prosecution actions for workplaces and procedures for issuing as well as following up legal notices.

[LD/A/3]

[LD/D/4]

14. If the threshold for instigating prosecutions or serving legal notices is not reached, OSOs may issue written warnings through “Construction Site Inspection Report” (“CSIR”) (together with a standard letter) to warn and notify contractors to take corrective actions or steps to rectify irregularities so identified. Templates of CSIR and “Standard Letter” are enclosed in the Standing Order (Occupational Safety) No. G-2 at [LD/D/6].

[LD/D/6]

15. Although not heeding the warning does not constitute a violation of the OSH legislation, it is one of the factors for OSOs to assess the safety performance of a construction site, which may lead to

more frequent inspection as mentioned in paragraph 22 below or a step up in enforcement actions.

Serving of INs

16. Pursuant to section 9 of OSHO ([LD/A/3]), CL, if of the opinion that a duty holder is contravening/ has contravened of FIUO/ OSHO, may serve an IN to a contractor requiring it to remedy a contravention of FIUO or OSHO within a specified period or to refrain from continuing or repeating a contravention of the two Ordinances. [LD/A/3]
17. Generally, the compliance period for an IN is two to four weeks. The actual compliance period for individual cases depends on the nature of the violation and the time required to comply with the relevant requirements, but in no case shall it exceed 3 months. Failure, without reasonable excuse, to comply with a requirement of an IN is an offence.
18. After issuing INs, OSOs will conduct follow-up inspections in accordance with the established procedures in a timely manner to ensure early rectification of irregularities. If the follow-up inspection reveals that the IN has not yet been complied with, OSOs will initiate prosecution against the contractor for both the original breach and the failure to comply with the IN. Furthermore, OSOs will continue to follow-up the case until the IN is fully complied with.

Serving of SNs

19. Pursuant to section 10 of OSHO ([LD/A/3]), CL may serve SNs to contractors to stop an activity, or the use of equipment, machinery, plant or substance in a construction site if he is of the opinion that because of an activity undertaken on the premises or the condition [LD/A/3]

or use of the premises or of any plant or substance located on the premises, there is an imminent risk of death or serious bodily injury. Contravention of an SN without reasonable excuse is an offence.

20. OSOs will follow-up SNs immediately so as to produce the necessary deterrent effect for non-compliance and to remove the risks swiftly. Follow-up visits would normally be made daily upon service of the SNs until the time that the matters have been remedied to the satisfaction of OSOs or the hazard leading to the issue of the notice ceases to exist. Prosecution would be initiated against the duty holder who fails to comply with the terms of the SNs. Further prosecutions would also be instituted if non-compliance persists.
21. The SN will cease to have effect when the matters specified therein have been remedied to the satisfaction of LD or when it has been cancelled or modified as a result of a review or an appeal.

Inspection frequency

22. DSOs review the inspection records completed by the OSOs and determine the suggested inspection frequency of construction sites based on the risk-based principles and criteria specified in Standing Order (Occupational Safety) No. G-1 - the Operational Policies for the BEC Offices (**[LD/D/5]**). Taking into account the nature and risk levels of the work processes and the scale of works at construction sites, the inspection frequency thereof is generally set at one to two months. The inspection frequency of a construction site may also be adjusted having regard to the safety performance of the contractors involved as well as the manpower and workload of the office concerned. [LD/D/5]
23. OSOs conduct complaint investigations as soon as possible per the Practice Code for Occupational Safety Officers - Handling

complaints ([LD/D/11]). Even if a construction site is not yet due for an inspection according to the schedule as mentioned in paragraph 22 above, OSOs will advance the next site visit for complaint investigations upon receiving OSH complaints.

[LD/D/11]

24. Specifically in relation to WFC, OSOs of LD conducted a safety inspection at WFC to safeguard workers' OSH in July 2024 upon receiving complaints from the public, and subsequently conducted frequent normal inspections, in a frequency higher than the normal frequency of once every one to two months as mentioned in paragraph 22 above, as a result of the number of complaints received. For details about the inspections and complaint investigations conducted at WFC, please refer to Part A1 of the Witness Statement of LAM Sau-ching.

OSOs' inspection focus of large-scale RMAA sites

25. Other than construction sites for new works, large-scale scaffolds are commonly found erected on the external walls of buildings at RMAA sites. Given that "fall of person from height" is one of the major fatal accidents at RMAA sites, pursuant to the risk-based principle, the primary focuses of OSOs conducting inspections at these sites include but not limited to checking the compliance of the following items with reference to the internal EG ([LD/D/9]) and publications issued by LD as mentioned in paragraphs 26, 32 and 34 below:

[LD/D/9]

- (i) readiness of fall arresting system, such as the provision of suitable fully body safety harnesses, fall arrestors, independent lifelines, secure anchor points for lifelines for erection, alteration, dismantling of scaffolds;
- (ii) ensuring the proper use of the fall arresting system,

commonly referred to safety harnesses and secure anchorages for anchoring the safety harnesses when the use of safe working platforms/ means of support for working at height is not practicable;

- (iii) competencies of workers and competent persons engaging in scaffolding works;
 - (iv) access to and egress from scaffolds;
 - (v) suitability and adequacy of planks to form working platforms;
 - (vi) conditions of scaffolds and their scaffolding members;
 - (vii) provision of catch-fans with suitable receptacle and nettings along the buildings;
 - (viii) proper maintenance and inspection of scaffolds by competent persons, etc.
26. For enforcing certain provisions of OSH legislation (i.e. Part VA of the CSSR ([LD/A/5])) concerning work-at-height safety, matters relating to the inspection of scaffolds, working platforms, and ladders are stated in the EG, a copy of which is at [LD/D/9].

[LD/A/5]

[LD/D/9]

Part B – Inspection of scaffolding nets (also known as protective nets) by OSOs (in answer to Questions 8, 9 and 12.1 – 12.3)

Confining falling objects by scaffolding nets

27. To prevent workmen working at any place of a construction site from being struck by any falling material or object as stipulated in regulation 49 of the CSSR ([LD/A/5]) and section 4.4.4(d) of the Code of Practice for Bamboo Scaffolding Safety (5th Edition)¹ (“CoP”) ([LD/A/21]), suitable protective nets should be provided on the faces of scaffolds to confine falling objects. During inspections, OSOs focus on observing whether there are any patent defects on the scaffolding nets that may compromise their function in confining falling objects.
- [LD/A/5]
[LD/A/21]

Checking of fire retardant certificate of scaffolding nets

28. OSOs inspect construction sites based on the risk-based principle. While OSOs would inspect scaffolding conditions on site, checking of fire retardant certificate of scaffolding nets is on a need basis. If fire is a prevailing risk on site or there is any complaint in relation to fire risks on scaffolding, contractors will be requested to provide fire retardant certificates of scaffolding nets to confirm their compliance with the fire retardant standards outlined in the CoP. If the contractor fails to provide fire retardant certificates, OSOs will refer the case to the Buildings Department (“BD”) or the Independent Checking Unit of the Housing Bureau (“ICU”) for their actions.
29. If there is evidence to show that the scaffolding nets do not meet the fire retardant standards outlined in the CoP, LD will take appropriate enforcement actions against the relevant contractors, including issuing written warnings, serving legal notices (including SNs), subject to the assessed risk level. If there is sufficient evidence warranting prosecution, LD will also consider instigating prosecutions against the contractors of failing to

¹ The prevailing version of the CoP in the period between July 2024 and 8 October 2024 was the 4th Edition of the CoP ([LD/A/20]). Section 4.4.4(d) likewise provides that protective screen of fire retardant material should be provided to confine falling object.

provide and maintain a working environment that is safe, and without risks to health for workers employed in the site according to section 6A(2)(e) of FIUO at [LD/A/4].

[LD/A/4]

30. Since the fire retardant certificates are issued by various laboratories, including those outside Hong Kong, OSOs do not have the requisite expertise to authenticate or verify the certificates. While checks could be carried out based on the content of the certificates, such as the compliance of the applicable standard(s) of the nets as stated on the certificates, the capability of OSOs in authenticating or verifying the authenticity of the certificates is restricted by the lack of expertise in this regard, and consequently the process of authentication and verification is much reliant upon the integrity of the contractors and/or the suppliers providing the certificates. That said, where the information on the certificates is found to be unclear or there are matters that raise cause for concern about the authenticity of the certificate, OSOs will refer the case to other law enforcement agencies for follow-up.

OSOs to check the statutory forms/ reports/ certificates

31. During OSH inspection of a construction site, OSOs will first obtain an update from the site management on the latest site progress, workforce deployed and major work activities being carried out. OSOs will then conduct a walk-through of different locations on site, with particular attention to high-risk operations, work activities in progress, and the use heavy or hazardous plant, etc. Where necessary, photographs, videos and measurements will be taken, and relevant observations and information will be contemporaneously recorded on inspection worksheets. OSOs will also conduct documentation check that covers statutory forms, reports and certificates relating to both plant and workers to ascertain compliance with legal requirements. At the end of the

inspection, OSOs will summarise the major findings with the site management, so as to facilitate their immediate rectification of irregularities and follow-up actions.

32. Regarding documentation check, there are numerous statutory forms (including reports and certificates) to be completed by duty holders as required by the OSH legislation. Examples² include:-

(i) Scaffolding inspection reports (viz. CSSR-Form 5) after the inspection of a scaffold by a competent person ([LD/C/14, 16 & 17]);

[LD/C/14,
16 & 17]

(ii) Certificates for lifting appliances³ (viz. LALG-Forms 1 to 5) ([LD/C/9-11 & 18]) after test and examination by competent persons or competent examiners; and

[LD/C/9-11
& 18]

(iii) Certificate for lifting gear⁴ (viz. LALG-Forms 6 and 7) ([LD/C/9-12]) after test and examination by competent examiners.

[LD/C/9-12]

33. There is, to the best of my knowledge, no statutory form specifically relating to building materials. Competent persons when carrying out checks and inspections generally ensure the physical conditions, but not the properties, of materials used at a piece of plant or equipment is in safe working order. Take scaffolding as an example, competent persons before signing

² The aforesaid statutory forms serve to document compliance with prescribed OSH requirements, and demonstrate that specified plant/ equipment/ work environment, etc. meet statutory requirements to ensure safety and health at work at industrial undertakings (including construction sites).

³ Lifting appliance is defined under regulation 2 of the FIU(LALG)R ([LD/A/6]). It means a crab, winch, teagle, pulley block or gin wheel used for raising or lowering, and a crane, sheerlegs, excavator, pile driver, pile extractor, dragline, aerial ropeway, aerial cableway transporter or overhead runway, and also any part of any such appliance.

[LD/A/6]

⁴ Lifting gear is defined under regulation 2 of FIU(LALG)R ([LD/A/6]). It means a chain sling, rope sling, ring or similar gear, and a link, hook, plate clamp, shackle, swivel or eyebolt.

[LD/A/6]

CSSR-Form 5 should check and inspect the conditions of scaffolds nets (capable of preventing falling objects), toe-boards, etc. erected on scaffolds before certifying their safe working order.

34. OSOs may also require contractors to demonstrate the compliance of personal protective equipment used at sites with the requisite specifications and standards. Examples include:-

- (i) The conformity of eye protectors to relevant specifications published at below LD's website; and (<https://www.labour.gov.hk/eng/osh/pe.htm>);
- (ii) The conformity of safety helmets to relevant standards stipulated in paragraph 6.2 of the Guidance Notes on the Selection, Use and Maintenance of Safety Helmets published by LD (**[LD/A/18]**).

[LD/A/18]

35. In addition, LD has included some technical requirements in his publications for plant and equipment. Examples⁵ include:

- (i) The conformity of the components of gas welding/ flame cutting equipment to relevant standards stipulated in Appendix II of the Code of Practice - Safety and Health at Work for Gas Welding and Flame Cutting (**[LD/A/23]**); and
- (ii) The conformity of automatic safety load indicators⁶ and hoisting wire ropes to relevant standards stipulated in sections 8.1.1 and 10.15.6 of the Code of Practice for Safe

[LD/A/23]

⁵ For the avoidance of doubt, the equipment and plant cited in this paragraph were not found at WFC. Including this information in the statement is solely to illustrate the extensive coverage of LD's work.

⁶ Automatic safe load indicator is a device intended to be fitted to a crane that automatically gives an audible and visible warning to the operator thereof that the crane is approaching its safe working load, and that automatically gives a further audible and visible warning when the crane has exceeded its safe working load.

Use of Tower Cranes ([LD/A/22]).

[LD/A/22]

36. Due to the large number of statutory forms, certificates and documents (usually over several dozens or over 100) in a construction site as mentioned in paragraphs 32, 34 and 35 above, it is in practice very difficult for OSOs to check all of them in an inspection. OSOs, therefore, would conduct sample checks on these documents based on the risk-based principle. In other words, if there is a prevailing OSH risk at the site or in the industry, an OSH complaint has been made, or there is a concern about the functionality of plant being used or to be used at the site, OSOs will request contractors to provide the relevant documentation for the subject matter to which such risk, complaint or concern relate for checking. Again, if the information shown on the documentation is unclear, or if there are doubts about the authenticity of the information, OSOs will refer the case to other law enforcement agencies for follow-up.
37. Before the fire at WFC, OSOs in conducting inspections of sites did not take any samples of scaffolding nets (as well as eye protectors, safety helmets or other materials/ equipment) for testing because they do not have the knowledge and expertise to do so.

Reliance on Test Certificates

38. The FIUO ([LD/A/4]) and its 30 subsidiary regulations establish a comprehensive legal framework governing OSH across a broad spectrum of industrial activities. These regulations apply to diverse industrial undertakings, including the industries of construction, factories, catering, etc. Each industry involves different plant and machinery, specialised work processes, etc.
39. There are an extensive array of industries that fall under the FIUO,

[LD/A/4]

and correspondingly there are a wide variety of forms mandated by LD and standards specified in various LD's publications as outlined in paragraphs 32, 34 and 35 above. This approach places primary responsibility on the responsible persons in specific industries to comply with the applicable technical requirements and standards. Given the technical nature and variety of these requirements and standards, it is not feasible for OSOs, who do not have the relevant technical expertise, to conduct sampling and then re-examining of such plant, equipment or items to check for their compliance with all the standards mentioned in LD's publications during inspections.

40. Accordingly, inspection of testing certificates issued by laboratories and relevant authorities is the current method used by OSOs to perform compliance check as outlined in paragraph 36 above. This approach also aligns with the risk-based principles, allowing OSOs to focus their attention and efforts on higher-risk areas in the operational aspects of workers in the work place.

Part C – Smoking issues at construction sites by OSOs (in answer to Questions 8, 9, part of 13 and 14)

41. OSOs are empowered by regulation 53 of the CSSR ([LD/A/5]) to issue a prohibition of smoking notice to prohibit smoking and/ or using of naked lights in a construction site if flammable liquid or any mixture containing any such liquid or any substance or thing which in the opinion of CL involves danger from fire is used or intended to be used. This regulation applies to all construction sites, including large-scale RMAA sites. [LD/A/5]
42. As mentioned in paragraph 31 above, OSOs conduct inspections

on construction sites, with particular attention to areas where high-risk operations, work activities, or the use of heavy or hazardous plant, etc. are being conducted. Additionally, workers' smoking behaviour will be monitored at the same time while inspecting the areas.

“Involves danger from fire” in regulation 53 of the CSSR

43. According to OSOs' training, “*involves danger from fire*” in regulation 53 of the CSSR means that all three elements of a fire triangle (i.e. a source of ignition, fuel and oxygen) are found to coexist at the same time at a place of work. In actual daily operation, it refers to the use of (i) flammable liquid/ substance/ thing and (ii) naked lights for hot work/ heats /smoking coexist or found very close to each other.
44. In fact, the use of flammable substances, such as thinner, floor lacquer and paint, is not uncommon in renovation and maintenance works. Moreover, naked lights generated during welding, metal cutting and other hot work are also very common in RMAA sites. Having said that, the coexistence of these conditions is rarely seen on site, making the issuance of prohibition notices for smoking quite uncommon.

Prevalence of smoking at large-scale RMAA sites

45. My work experience shows that smoking is not often seen in inspecting working areas of large-scale RMAA sites during inspections, except in the designated smoking areas provided on sites and during meal breaks and refreshment times.
46. Demarcating designated smoking areas away from flammable materials, providing non-combustible receptacles for the safe disposal of cigarette butts, and formulating plus implementing in-

house non-smoking policies are the current practice in the industry for controlling fire risk from smoking.

47. I understand that LD is actively considering to enhance the control of smoking at construction sites. Please refer to Part D of the Witness Statement of YUEN Tsz-lok, Murphy for details.

Part D – Inspection of MOE of construction sites by OSOs (in answer to Questions 8, 9 and 16)

48. According to regulation 54 of the CSSR ([LD/A/5]), a contractor shall maintain in good condition and free from obstruction all the MOEs in case of fire and all fire-fighting appliances provided in such construction site. No person shall willfully alter, damage, obstruct or otherwise impair any such MOE, or fire-fighting appliance. [LD/A/5]
49. Given the application of other fire related legislation to building sites with construction works, OSOs would handle MOE matters per the following principles. In unoccupied building sites where workers are present on site and engaged in construction work for the construction of buildings, contractors responsible for the sites (or any contractor having direct control over construction work) have overall control of buildings under construction, including MOE. Under these circumstances, LD is the enforcement authority to ensure that contractors have taken measures to ensure MOE are in order to protect workers in case of a fire.
50. In occupied buildings where occupants, users or visitors are present and where construction works are carried out, BD and the Fire Services Department (“FSD”) should be the authorities

responsible for enforcing fire safety construction aspects (including MOE, fire resisting construction and means of access for firefighting and rescue) and fire service installation, which should have been put in place and form the common parts of the buildings, in accordance with the Buildings Ordinance (Cap. 123), the Fire Safety (Buildings) Ordinance (Cap. 572), etc.

OSOs' role on protected staircases of occupied building

51. Applying the principles set out in paragraphs 49 and 50 above, the escape staircases at WFC are protected staircases in occupied buildings that are designed and constructed with fire protection. To my knowledge from a pamphlet issued by BD and FSD ([LD/E/4]) after the fire, this falls beyond the jurisdiction of LD and is under the purview of BD/ FSD for the evacuation of all persons including workers at WFC in case of fire. [LD/E/4]
52. Furthermore, there is no provision in OSH legislation about the design and technical requirements of MOE.

Improvement work of fixed lights at staircases at WFC

53. OSOs also noticed that improvement work of fixed lights at staircases is one of works of the maintenance and renovation works of WFC upon receiving the main contract from PC&E in July 2024. There is no provision in OSH legislation to govern the design as well as interim measures for maintaining fire safety of these protected staircases while they are undergoing alteration/ replacement process.

Referral of the fire escape issues of WFC to BD and FSD

54. Generally, OSOs refer irregularities that came to their notice (for example, during site visits) to other government departments. With regard to fire safety of MOE in construction sites, OSOs

focused on (i) whether the MOE was obstructed in a way that hinders workers from evacuation; and (ii) any work in the construction site that may cause apparent structural damage to the buildings. OSOs upon notice the above irregularities would refer such cases to FSD and/or BD.

55. OSOs, however, do not have expertise on the requirements of different regulations administered by other departments. This as a result restricts their capabilities to take note of contravention of these regulations (including the potential contravention, if any, resulting from the sealing of windows within the escape staircases by wooden boards) and thus to make referrals of the same to relevant government departments.

Part E – Investigations to the complaint against then DSO(MRM)2 in connection with LD’s reply on 4 October 2024 (in answer to Question 11.4)

56. A member of public filed a complaint against the then DSO(MRM)2 on 5 October 2024 ([LD/B/38]), expressing his dissatisfaction about as to the misleading information in her reply dated 4 October 2024 (“Reply”) in response to the complaints of 6 and 16 September 2024 made by the Complainant⁷ mentioned in paragraph 11 of the 27 December Letter. [LD/B/38]

57. LD conducted an internal investigation to the complaint against the then DSO(MRM)2 with findings and considerations that include, but not limited to, the following:-

- (i) The basis and consideration in formulating the reply of 4

⁷ As defined in the 27 December Letter.

October 2024. For details, please refer to Part B of the Witness Statement of LAM Sau-ching;

(ii) PC&E had submitted the relevant certificates with delivery note attached on 22 July 2024, demonstrating to LD that the materials of the scaffolding nets had fire retardant properties in compliance with GB 5725-2009; and

(iii) To ensure order implementation of the latest CoP (5th edition)⁸ [LD/A/21], a grace period of 6-month was given to the industry. During this period, the compliance of both CoPs were accepted by LD.

[LD/A/21]

58. After reviewing the issues set out in the paragraph 57 above, LD replied to the member of public on 4 December 2024 ([LD/B/127]). In the reply, it was made clear that the certificate of the protective scaffolding net installed at WFC, provided by PC&E, showed that it complied with relevant fire retardant standard and the case had been referred to other relevant government department⁹ for actions, since the fire retardant properties of the scaffolding nets might involve public safety.

[LD/B/127]

59. On the same day, i.e. 4 December 2024, after receiving the reply of LD, the member of public did not make further request or complaint but thanked LD for understanding of his concerns. The response of the member of public is attached at [LD/B/39A].

[LD/B/39A]

⁸ For details of the revision of the CoP (5th edition), please refer to Part C of the Witness Statement of YUEN Tsz-lok, Murphy.

⁹ Although BD and ICU should be made aware of the fire risk of scaffolding nets from a separate anonymous complaint, which was sent to BD and ICU and then LD via 1823 in October 2024 ([LD/B/44]), LD formally brought the matter to ICU for action by memo on 11 November 2024 ([LD/B/48]) with a view to informing the Complainant explicitly that a referral had been made to another relevant government department for action.

[LD/B/44]

[LD/B/48]

Part F – Complaints and follow-up and enforcement actions taken in connection with smoking during the last 10 years

60. We are committed to providing the information available to LD to the Committee in a full and frank manner. With this in the forefront of my mind, I write to inform the Committee that LD’s computer system at present does not capture, categorise or stock take the notifications and/or complaints in connection with smoking in large scale building maintenance and renovation sites in Hong Kong. All relevant notification and/ or complaints are kept in paper form in individual files of various workplace.

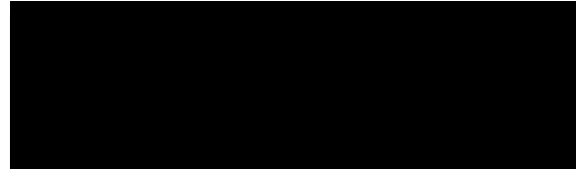
61. Given that these files are kept at 37 BEC offices in various districts, identifying and compiling the requested information would require manual inspections of all records under these files. Taking a snapshot on the number of files in LD at 31 December of each year, there were a very large number of paper files (around 30,000 active files of all RMAA sites, including both large and small building maintenance and renovation scales) in 2022, 2023 and 2024. Given that LD does not divide these files into large- or small-scale sites, manual inspections of these files to category them and collate the requested notifications and/ or complaints would demand significant manpower and time, and would substantially impact the normal operation of these offices over a long period of time. In view of these practical difficulties and manpower constraint, LD is regrettably unable to provide the requested information to the Committee.

62. Specifically in relation to WFC, LD received nine complaints about smoking at the RMAA sites of WFC before the fire. For details, please refer to **[LD/B/6, 11, 16, 41, 42, 44, 70, 78 and 90]**.

[LD/B/6,
11, 16, 41,
42, 44, 70,
78 & 90]

63. According to LD's record, no prosecutions have been initiated under regulation 53 of the CSSR for the past decade.
64. I confirm that the contents of this Witness Statement are true to the best of my knowledge, information and belief.

Dated this 15th day of January 2026.



LI Man-pong

#2126422