

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

3RD 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, 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 am the same LI Man-pong who made the 1st and 2nd Witness Statements of LI Man-pong dated 15 and 16 January 2026 respectively to the Committee.
2. I make this 3rd Witness Statement pursuant to Request 2 of the Committee as set out in the letter from Messrs. Lo & Lo, Solicitors for the Committee, to the Department of Justice dated 30 March 2026 (“**30 March Letter**”) in which specific questions were raised in paragraphs 1 to 4 (“**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 are true to the best of my knowledge, information and belief. Save as otherwise specified, this 3rd Witness Statement adopts the same abbreviations and nomenclature as in my previous Witness Statements.
3. In this 3rd Witness Statement, I, on behalf of LD, shall address **Questions 3 and 4** of the 30 March Letter. Other Questions which are within LD’s purview will be addressed in the 2nd Witness Statement of LAM Sau-ching. In this 3rd Witness Statement, I

shall refer to the documents already included in the hearing bundles compiled by the Committee's solicitors by their respective bundle references (for example, [D1/A1/1] means Item 1 in Part A of Hearing Bundle D1, at p.1). Apart from these documents, I understand that LD will produce to the Committee a 2nd List of Document ("2nd LoD"), a draft of which I have read, indexing some further relevant documents in its possession. I shall refer to them by their designation in the 2nd LoD (for example, [LD 2nd LoD/A/1] means Item 1 in Part A of the 2nd LoD) without annexing them hereto for the avoidance of duplication.

Powers of Occupational Safety Officers in relation to Inspection

4. Before addressing Question 3 of the 30 March Letter, I shall for completeness highlight some of the key statutory bases for Occupational Safety Officers ("OSOs") to conduct inspections:-

- Under section 22 of the Occupational Safety and Health Ordinance ("OSHO") (Cap. 509) [D1/A/3], an OSO may, without warrant, enter and inspect premises if the officer believes on reasonable grounds that (a) the premises are being used as a workplace; or (b) a contravention of OSHO is being or has been committed on the premises.
- Under section 23 of OSHO, an OSO entering a premises under section 22 of OSHO has a wide range of powers, including relevantly:-
 - to seize any article that the officer reasonably believes to be evidence of a contravention of OSHO – section 23(1)(a) of OSHO;
 - to conduct tests or examinations of any plant or substance found on the premise – section 23(1)(b) of OSHO;
 - to take samples of a substance for analysis reasonably believed to be prejudicing the OSH of workers at the

[D1/A/3]

- premises – section 23(1)(d) of OSHO; and
- to require the occupier and his agent to provide reasonably necessary assistance to the OSOs – section 23(1)(g) of OSHO.
- It is an offence for a person to:-
 - without lawful excuse, resists, obstructs or delays an OSO who is exercising or performing or attempting to exercise or perform a function under OSHO – section 26(a) of OSHO;
 - without lawful excuse, prevents, or attempts to prevent, another person from assisting an OSO in the exercise or performance of the officer's functions under OSHO – section 26(c) of OSHO; and
 - directly or indirectly, intimidates or threatens an OSO or person assisting such an officer in the exercise or performance of the officer's functions under OSHO – section 26(d) of OSHO.

Response to Question 3 of the 30 March Letter

5. Turning to Question 3 of the 30 March Letter, as stated in paragraph 7 of my 1st Witness Statement, occupational safety inspections conducted by OSOs are surprise inspections (i.e. no prior notice would be given to the relevant parties such as renovation contractors, registered inspectors, or building management, before conducting the inspections). Other than the three typical types of occupational safety inspection mentioned in paragraph 10 of my 1st Witness Statement, i.e. Initial Inspection, Normal Inspection and Special Enforcement Operation, which had been conducted at Wang Fuk Court, the following are other major types of occupational safety inspection to safeguard the occupational safety of employees working on site (which did not take place at Wang Fuk Court):-

- (i) Area Patrol – this refers to the patrol operations conducted by a squad of OSOs aimed at discovering unnotified repair, maintenance, addition and alteration sites.

- (ii) In-depth Inspection – this refers to the inspections of construction sites with poor safety performance and suspected systemic problem of safety issues, such as those that have experienced fatal or serious industrial accidents. A dedicated team comprising OSOs of district offices and safety management offices would be formed for conducting the inspection. Generally, the inspection of target sites lasts for one day. In addition to identifying unsafe working conditions or practices at construction sites, these safety inspections focus on whether contractors have provided and maintained safe systems of work for high-risk activities, and assess whether the construction sites have properly implemented the safety management systems as specified under the Factories and Industrial Undertakings (Safety Management) Regulation (Cap. 59AF) [D1/A/10].

- (iii) Special Inspection Exercise – in addition to conducting various types of special enforcement operations referred to paragraph 10(iii) of my 1st Witness Statement, this inspection / enforcement action is launched reactively in response to serious fatal accidents, with the aim of curbing similar dangerous operations or work activities at construction sites. During the exercise, OSOs intensively conduct surprise inspections of other construction sites where operations or work activities similar to those involved in fatal accidents are being conducted. By way of example, previous operations targeting high-risk processes such as work-at-height and bamboo scaffolding work were

[D1/A/10]

conducted in August 2023 ([LD 2nd LoD/E/4]) and February 2024 ([LD 2nd LoD/E/5]) respectively.

[LD 2nd
LoD/E/4 and
LD 2nd
LoD/E/5]

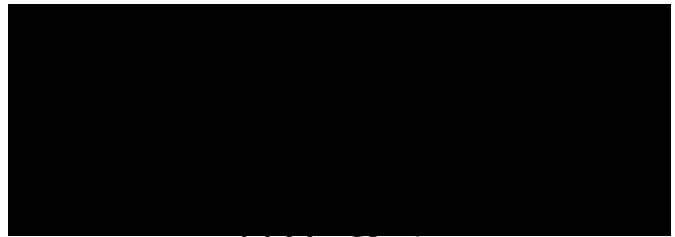
6. For completeness, when following-up on legal notices (i.e. improvement notices (“INs”) and suspension notices (“SNs”) as referred to paragraphs 16 to 21 of my 1st Witness Statement), OSOs conduct inspections in a surprise manner to ensure compliance of the INs and the SNs.
7. In addition, depending on the merits of each case, various levels of officers under the Occupational Safety – Operations of LD, such as division level or office level officers, would exercise professional judgement to step up enforcement measures for problematic sites (e.g. a high number of complaints) to safeguard the occupational safety of workers such as surveillance visits or conducting inspections as directed by managerial officers.
8. All types of inspection I mentioned in paragraph 10 of my 1st Witness Statement as well as paragraphs 5 to 7 of this Witness Statement are surprise inspections conducted without any advance notice. They are indeed all carried out as such in practice.
9. The Operations Division (Headquarters) of LD also reminds OSOs through various means to conduct occupational safety inspections in a surprise manner. For example, an internal email was issued to all Divisional Occupational Safety Officers under the Operations Division on 4 December 2024 at [LD 2nd LoD/E/6], reminding them that “*inspections of workplaces shall be surprise in nature. No inspection schedules shall be disclosed to any third party, including consultants, in advance*”.

[LD 2nd
LoD/E/6]

Response to Question 4 of the 30 March Letter

10. Given that the above inspections have long been conducted without advance notification and in the absence of countervailing considerations, LD intends to maintain this particular aspect of its occupational safety inspection practices after the fire.
11. 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 April 2026.



LI Man-pong

#2139458