

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

WITNESS STATEMENT OF CHAN Chung-san

I, CHAN Chung-san, Deputy Chief Occupational Safety Officer (Legal Services), Labour Department, 13/F., Harbour Building, 38 Pier Road, Central, Hong Kong, do say as follows:

1. I am the Deputy Chief Occupational Safety Officer (Legal Services) of the Labour Department (“**LD**”) of the Government of the Hong Kong Special Administrative Region. I have joined the LD for over 31 years since 1994 and was promoted to the present rank on 29 July 2025. My main responsibilities include planning, developing and reviewing the existing policies and procedures of Legal Services Division (“**LSD**”) in the Occupational Safety and Health (“**OSH**”) Branch of LD and the overseeing and ensuring the effective and efficient operation of LSD.
2. 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 for Labour 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.

3. In this Witness Statement, I shall address **Questions 3 and 7** 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.
4. 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.
5. This Witness Statement is divided into the following parts:
 - (1) **Part A** describes and explains what "official record of a contractor's safety performance" in relation to the tendering process and evaluation of prospective contractors may be provided by LD to facilitate the owners in the bidding process in selecting a main contractor in building maintenance and renovation works and projects, in answer to **Question 3**;
 - (2) **Part B** responses to LD's suggested role and responsibility in (a) proactively providing accurate conviction records of bidders and (b) policing and/ or verifying the accuracy of the conviction records submitted by bidders to the owners of the building in the tendering process for building maintenance and renovation works and projects, in answer to **Questions 7.1 and 7.5**; and
 - (3) **Part C** addresses the Questions raised in connection with the conviction records of Prestige Construction & Engineering Co. Ltd. ("**PC&E**"), namely **Questions 7.2,**

7.3 and 7.4.

Part A – Publicly Accessible Record of Duty Holders’ Safety Performance Maintained by LD (in answer to Question 3)

OSH Legislation administrated by LD

6. As an overview, the Occupational Safety and Health Ordinance (“**OSHO**”), Cap. 509, the Factories and Industrial Undertakings Ordinance (“**FIUO**”), Cap. 59, the Boilers and Pressure Vessels Ordinance (“**BPVO**”), Cap. 56 and their respective subsidiary legislation are the major pieces of legislation administrated by LD to regulate OSH in Hong Kong.
7. LSD is a division established in LD. One of its roles is to enforce the above OSH legislation by, among other things, instituting prosecutions against suspected offenders, appearing in court as prosecutors or assistant prosecutors, keeping conviction records in relation to OSH offences, etc.

Publicly Accessible Information on Conviction Records in respect of Contravention of OSH Legislation

8. Since 14 December 2018, LD has, in response to the increasing public demand for information and with a view to raising the OSH awareness of the industry and the community at large, published on a quarterly basis on its homepage¹ the conviction records in respect of contraventions of OSH legislation (“**OSH Conviction Records**”) in the past two years² for public inspection. The

¹ <https://www.labour.gov.hk/eng/osh/content15.htm>.

² LD came to view that the conviction records published to LD’s homepage for public inspection should be confined to two years from the date of judgement, having taken into account all the relevant consideration, including the need to strike a balance between competing aspects of the public interest for and against the disclosure of conviction records of a longer period.

conviction records so published contain information on the names of the convicted companies³, offence locations, dates of offence, regulations involved, brief descriptions of offences, dates of judgment and sentence, but not the names of convicted persons.

9. Copies of the OSH Conviction Records accessible on LD's homepage in the period of time leading to the appointment of PC&E as the contractor for the relevant renovation works carried out at Wang Fuk Court at an Extraordinary General Meeting of the owners of Wang Fuk Court (i.e. between March 2023 and January 2024), which for the avoidance of doubt came to LD's knowledge after the fire (see paragraphs 15 and 21 below), are at **[LD/E/9, 9A, 9B, 9C & 9D]** and as further particularised in the following table for the Committee's reference⁴.

[LD/E/9, 9A, 9B, 9C & 9D]

	Available for Public access on LD's homepage	Available OSH Conviction Records in the past two years (24 months)	LoD Reference
1.	between late January 2023 and mid April 2023	OSH Conviction Records covering the period between January 2021 and December 2022	LD/E/9
2.	between late April 2023 and mid July 2023	OSH Conviction Records covering the period between April 2021 and March 2023	LD/E/9A
3.	between late July 2023 and mid October 2023	OSH Conviction Records covering the period between July 2021 and June 2023	LD/E/9B
4.	between late October 2023 and mid January 2024	OSH Conviction Records covering the period between October 2021 and September 2023	LD/E/9C
5.	between late January 2024 and mid April 2024	OSH Conviction Records covering the period between January 2022 and December 2023	LD/E/9D

Remark: Conviction records published on LD's homepage are updated within four weeks after the end of each quarter (i.e. January, April, July and October).

³ In the case of convicted persons, their names are not published in accordance with the Personal Data (Privacy) Ordinance (Cap. 486) and their identities are indicated as "individuals", while the other details of their convictions are published.

⁴ For completeness, the version that immediately followed (available between late April 2024 and mid July 2024) is at **[LD/E/10]** for the Committee's reference.

[LD/E/10]

10. On the first day (i.e. 14 December 2018) when the conviction records were published on LD's homepage, LD issued a press release (a copy is at [LD/E/1]) to announce the aforesaid arrangement. Members of the public can access the OSH Conviction Records by clicking on the "Public Services" tab on the homepage, followed by "Occupational Safety and Health" tab and "Occupational Safety and Health Conviction Records" tab. [LD/E/1]
11. In addition to LD's homepage, the same information on conviction records can be accessed online by members of the public from the Open Data Portal⁵. Members of the public can download the conviction records either on LD's homepage or the Open Data Portal, and use such records for searching, filtering and analysis as needed.
12. Moreover, LD provides, upon receipt of enquiries from members of the public, information about all available conviction records of individual duty-holders (e.g. more than two years if applicable) to the enquirers free of charge. For the past 5 years, LD received and answered 18 such enquiries.
13. The above range of services provided by LD informs the public duty-holders' compliance with OSH legislation and safety performance, enabling them to evaluate the safety performance of duty-holders and make an informed decision in their selection of bidders in the tendering processes in building maintenance and renovation works and projects.

⁵ Open Data Portal (<https://data.gov.hk/en-data/dataset/hk-ld-lsd-lsd-convictionrecords>), which is coordinated by the Digital Policy Office with the participation of different government departments and public/ private organisations, makes various types of open data available for re-use for commercial or non-commercial purposes free-of-charge, with a view to facilitating the development of new solutions and innovations, as well as academic research and analysis.

14. Furthermore, LD has been publishing press releases every time when duty-holders involved in fatal work accidents were convicted under the aforesaid legislation on the date of sentencing. The information of the press release includes the names of the convicted companies, dates of offence, regulations involved, brief accident circumstances, dates of judgement and penalties. The press releases have also been uploaded to LD's homepage⁶ to facilitate public access to such information.

Part B – LD's role and responsibility relating to prosecution⁷ and conviction records of bidders in the tendering process for building maintenance and renovation works/ projects (in answer to Questions 7.1 and 7.5)

15. Under the OSH legislation, LD has no role and responsibility in the tendering process and evaluation of prospective contractors in relation to the building maintenance and renovation works and projects. As such, LD is not informed of, has no knowledge about, and is not involved in any tendering process and evaluation of prospective contractors in general. LD therefore is not in a position to proactively (i) provide the conviction records of prospective contractors to related parties; or (ii) police/ verify the accuracy of the conviction records submitted by prospective contractors.
16. That said, through the channels outlined in Part A above, the

⁶ <https://www.labour.gov.hk/eng/major/content.php>.

⁷ By law, suspected offenders contravening OSH legislation are presumed not guilty unless convicted by the courts. Unlike conviction records, prosecution records are not considered to be a reliable indicator of the contractors' past compliance with OSH legislation. Disclosure of the prosecution records of the duty-holders in the public domain may be unfair to the duty-holders and lead to misunderstanding by the public. LD in general does not publish the prosecution figures of individual duty-holders or related details in the public domain. For the same reasons, LD generally, upon receipt of enquiries, would not provide such figures or related details to the public.

relevant information on conviction records of individual duty-holders is readily available to and accessible by the public. When evaluating the past OSH performance and safety performance of prospective contractors or verifying the accuracy of the conviction records submitted by prospective contractors, all relevant parties (including the owners' corporation, its agencies, the consultant(s), and individual owners of a building) may obtain the OSH Conviction Records through the aforesaid channels outlined above.

Part C – Prosecution and conviction records of PC&E (in answer to Questions 7.2, 7.3 and 7.4)

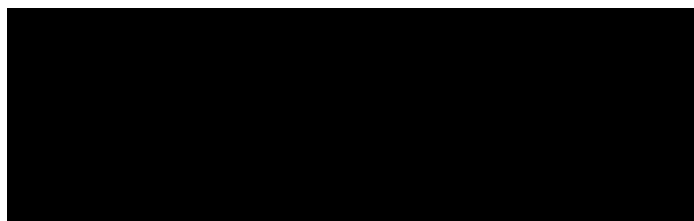
17. The total number of prosecutions⁸ and convictions in respect of PC&E from January 2001 to November 2025 are 114 and 99 respectively. The breakdown of the number of prosecutions and convictions each year is listed in table at [LD/E/11]. [LD/E/11]
18. Between 1 January 2017 and 31 December 2023, PC&E had **24** criminal convictions in respect of contraventions of OSH legislation, as detailed in the table (in the order of date of sentence) at [LD/E/2]. From the table, PC&E had 24 criminal convictions [LD/E/2] (i.e. item nos. 1 to 24) with sentencing dates between 1 January 2017 and 31 December 2023. Among these 24 convictions, there are 22 convictions (i.e. item nos. 3 to 24) with offence dates falling between 1 January 2017 and 31 December 2023, and 2 convictions (item nos. 1 to 2) with offence dates prior to 2017.
19. Through the channels outlined in Part A above, the relevant information on conviction records of individual duty-holders were

⁸ Despite LD's general practice of not releasing the prosecution figures or related details as explained in footnote 7, LD, with due regard to the special circumstances of this case, has exercised discretion to disclose such relevant prosecution figures in answering the questions raised by the Committee.

at all material times readily available to and accessible by the public.

20. During the tendering process in relation to the renovation project of Wang Fuk Court, LD did not receive any enquiry from related parties or the public about the prosecution and/ or conviction records of PC&E.
21. As explained above, LD has no role and responsibility under the existing legal framework in the tendering process and evaluation of prospective contractors in relation to the renovation project of Wang Fuk Court or other building maintenance works and projects. LD has no knowledge about the alleged provision of false prosecution or conviction records by bidders in relation to the renovation project of Wang Fuk Court or other building maintenance works and projects.
22. I confirm that the contents of this Witness Statement are true to the best of my knowledge, information and belief.

Dated this 16th day of January 2026.



[CHAN Chung-san]