

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1173/16-17(02)

Ref : CB2/PL/MP

**Panel on Manpower**

**Background brief prepared by the Legislative Council Secretariat  
for the special meeting on 12 April 2017**

**Occupational safety of the Hong Kong-Zhuhai-Macao  
Bridge local projects**

**Purpose**

This paper gives an account of the past discussions by the Panel on Manpower concerning the occupational safety of the construction of the Hong Kong-Zhuhai-Macao Bridge ("HZMB") local projects.

**Background**

2. HZMB is a dual three-lane carriageway in the form of bridge-cum-tunnel structure sea-crossing, linking Hong Kong, Zhuhai and Macao. The HZMB project is a major cross-boundary transport infrastructure project. The entire HZMB project consists of two parts: (a) the HZMB Main Bridge which is being taken forward by the HZMB Authority; and (b) the link roads and boundary crossing facilities under the responsibility of Hong Kong, Zhuhai and Macao separately. The Highways Department is responsible for implementing the HZMB related local projects, which include the Hong Kong Boundary Crossing Facilities ("HKBCF"), the Hong Kong Link Road ("HKLR") and the Tuen Mun - Chek Lap Kok Link ("TM-CLKL") (thereafter referred to as "HZMB local projects"). HKBCF, HKLR and TM-CLKL commenced construction in 2011, 2012 and 2013 respectively. According to the Administration, these various projects are facing different challenges during the construction stage. The contractors adopted different methods to overcome the challenges involved. The Administration has been reviewing the implementation of the HZMB local projects with a view to overcoming and tackling the difficulties concerned in a timely manner.

## **Deliberations of the Panel**

3. The Panel had not discussed specifically the occupational safety of construction of the HZMB local projects, but members raised concerns about the subject during the discussions of occupational safety performance of the construction industry. Members' major concerns relating to occupational safety of construction of the HZMB local projects are summarized in the ensuing paragraphs.

### Site safety of the construction projects

4. Members noted that under the Occupational Safety and Health Ordinance (Cap. 509), employers/contractors must provide and maintain plants and systems of work that were, so far as reasonably practicable, safe and without risks to health. They should also provide such information, instruction, training and supervision that were necessary to ensure the health and safety at work of employees. Members, however, noted with grave concern that there were a series of fatal and industrial accidents occurred at the construction sites of HZMB local projects, in particular sea-based construction works. Some members queried whether the occurrence of such accidents was attributable to catching up with works progress at the expense of safe work practices and the failure of the Administration's monitoring measures. Members took a strong view that the Administration should conduct investigations into the causes of accidents and draw up preventive measures against unsafe work practices.

5. According to the Administration, the Labour Department ("LD") had been closely monitoring the occupational safety of the HZMB local projects. After the occurrence of an industrial accident, LD would conduct a thorough investigation to examine the causes of the accident and the legal liabilities of duty holders. LD would urge the contractor concerned to make improvement and take enforcement actions as appropriate. Members were advised that there was no evidence indicating that the causes of accidents were related to catching up with works progress.

6. Members were further advised that given the commencement of various mega infrastructure projects in recent years, LD had stepped up liaison with major works project proponents and urged the contractors concerned to strengthen the site safety management systems and monitor closely work safety with a view to enhancing occupational safety of employees. LD had also increased manpower to step up site inspections and enforcement actions in a number of major work areas since 2011-2012, such as the creation of additional dedicated Mega Infrastructure Project Offices and a dedicated team to strengthen the monitoring of work safety of major works projects. LD had

maintained close liaison with the Development Bureau in respect of monitoring the safety performance of contractors of public works projects. When a serious/fatal accident involving systemic safety risks had emerged, LD would release a Work Safety Alert promptly on its website and through emails to contractors, workers' unions and professional organizations of safety practitioners, etc. The Work Safety Alerts gave a brief account of the accident and reminded the industry to take safety precautionary measures so as to prevent recurrence of similar accidents.

7. As regards the work safety of sea-based construction works, the Administration advised that apart from conducting surprise site inspections, LD had been organizing monthly joint enforcement operations with the Marine Department ("MD") to detect work practices contravening safety requirements for sea-based construction works. From the fourth quarter of 2014 to December 2016, 26 joint enforcement operations were launched. In addition, LD had organized with MD eight safety seminars on marine construction work safety for the front line staff of the HZMB local projects from June 2015 to December 2016. Members were also advised that pursuant to the relevant occupational safety and health legislation, LD would urge employers/contractors to assess whether workers engaged in construction works adjacent to or over water were liable to fall with a risk of drowning, and to provide secure fencing and rescue equipment at workplaces with such risks. LD also required employers to ensure that their employees wore lifejackets if their work involved drowning hazards. LD would keep up with its enforcement and publicity efforts and would, together with other relevant works departments, consider stepping up on-site monitoring of work safety and strengthening safety audits on systemic matters.

8. Some members were concerned about the effectiveness of LD's publicity in addressing the series of construction fatalities in connection with the HZMB local projects. According to the Administration, there was a decline in the number of industrial accidents involving sea-based construction works following the launching of relevant publicity activities and enforcement actions. LD would keep up with its enforcement and publicity efforts in this regard.

#### Safety training for construction workers

9. Some members considered that training on occupational safety should be provided for new entrants to the construction industry, in particular ethnic minorities ("EMs") who might encounter communication problem at work. The Administration pointed out that construction workers were required to receive safety training and complete the Mandatory Basic Safety Training Course (Construction Work) (commonly known as the "Green Card" course) before commencing work. The Administration further advised that LD had

prepared promotional leaflets and posters with simple and easy-to-understand pictorial aids which were printed in various ethnic languages as well as organized outreaching seminars in collaboration with relevant labour unions at construction sites to deliver occupational safety message to EM workers.

#### Level of penalty

10. Some members called for the imposition of heavier penalty on convicted cases related to fatal industrial accidents in the construction industry so as to increase the deterrent effect against non-compliance with the legislation related to occupational safety. The Administration advised that in a bid to raise the level of penalty for non-compliance with safety requirements, LD submitted comprehensive information to the court for reference in sentencing. Such information included the serious consequences arising from the accidents in question, the upward trend of the number of accidents concerned, and the highest penalty imposed on similar cases in the past, etc. Depending on the circumstances of individual cases, LD would request the Department of Justice to consider filing a review or an appeal to the court in respect of the conviction and the penalty when necessary, to strength the deterrent effect. The fines imposed by the court on convicted cases related to fatal industrial accidents in the construction industry had increased notably in recent years when compared with the past.

#### **Relevant papers**

11. A list of the relevant papers on the LegCo website is in the **Appendix**.

Council Business Division 2  
Legislative Council Secretariat  
10 April 2017

**Relevant papers on  
occupational safety of the Hong Kong-Zhuhai-Macao  
Bridge local projects**

<b>Committee</b>	<b>Date of meeting</b>	<b>Paper</b>
Panel on Manpower	18.12.2012 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Legislative Council	12.11.2014	<a href="#">Official Record of Proceedings (Question 6)</a>
Panel on Manpower	16.6.2015 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Manpower	17.11.2015 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Manpower	21.6.2016 (Item III)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Manpower	23.1.2017 (Item III)	<a href="#">Agenda</a> <a href="#">Minutes</a>