



Labour Department (Headquarters)

勞工處（總部）

來函編號 :
檔案編號 : (13) in LD OD/1-55/79
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Ms Betty MA
Clerk to the Panel on Manpower
Legislative Council
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong

13 February 2019

Dear Ms MA,

Reply to the Panel on Manpower on follow-up actions required

At the meeting of the Legislative Council Panel on Manpower (the Panel) held on 17 July 2018 to discuss Hong Kong's occupational safety performance in 2017, the Panel requested the Administration to supplement on the progress of the prosecution and court penalties in relation to the 22 construction industrial fatalities in 2017. The relevant information is tabulated at Annex.

2. In addition, the Panel discussed Hong Kong's occupational safety performance in the first half of 2018 at the meeting on 15 January 2019. Response to the Panel's requests for further information is set out in the ensuing paragraphs.

Applications for review / appeal in respect of occupational safety cases

3. In 2017, the Labour Department ("LD") made eight applications for review/appeal on convictions and seven on fines respectively to the Department of Justice ("DoJ"). One application for review on conviction was accepted by the DoJ but the case was eventually dismissed by the court. In 2018, there were four and three cases for which LD made applications for review/appeal on convictions and fines respectively. Upon consideration, DoJ did not proceed with review/appeal for any of the cases.

No. of Summonses heard on the General Duties Provisions under the Occupational Safety and Health Ordinance and the Factories and Industrial Undertakings Ordinance

4. In 2018, the court heard a total of 524 summonses on contravention of General Duties Provisions under the Occupational Safety and Health Ordinance and the Factories and Industrial Undertakings Ordinance.

Yours sincerely,



(WU Wai-hung)
for Commissioner for Labour

The prosecution progress and the penalties imposed in connection with the 22 construction industrial fatalities in 2017

Case	Date of accident	Prosecution progress and penalties
1	3 January 2017	The Labour Department had completed the investigation and initiated prosecutions against the relevant duty holders. A total fine of \$68,000 was imposed at the Magistrates' Courts on 11 October 2017.
2	21 January 2017	The Labour Department had completed the investigation and initiated prosecutions against the relevant duty holders. The defendants were acquitted after trial at the Magistrates' Courts on 16 May 2018.
3	15 February 2017	The Labour Department had completed the investigation and initiated prosecutions against the relevant duty holders. A total fine of \$50,000 was imposed at the Magistrates' Courts on 23 March 2018.
4	21 February 2017	The Labour Department had completed the investigation and initiated prosecutions against the relevant duty holders. A total fine of \$250,000 was imposed at the Magistrates' Courts on 13 August 2018.
5	8 March 2017	The Labour Department had completed the investigation and initiated prosecutions against the relevant duty holders. A total fine of \$275,000 was imposed at the Magistrates' Courts on 25 October 2018.

6	11 March 2017	The Labour Department had completed the investigation and initiated prosecutions against the relevant duty holders. A total fine of \$125,000 was imposed at the Magistrates' Courts on 6 September 2018.
7 & 8	29 March 2017	The Labour Department had completed the investigation and initiated prosecutions against the relevant duty holders. A total fine of \$614,000 was imposed upon the 1 st , 2 nd and 3 rd defendants at the Magistrates' Courts on 1 February 2019. The case for the 4 th to 9 th defendants is scheduled for pre-trial review at the Magistrates' Courts on 25 April 2019.
9, 10 & 11	10 July 2017	The Labour Department had completed the investigation and initiated prosecutions against the relevant duty holders. The case is scheduled for mention at the Magistrates' Courts on 18 February 2019.
12	24 August 2017	The Labour Department had completed the investigation and initiated prosecutions against the relevant duty holders. The defendants were acquitted after trial at the Magistrates' Courts on 30 October 2018.
13	31 August 2017	The Labour Department had completed the investigation and initiated prosecutions against the relevant duty holders. The case is scheduled for pre-trial review at the Magistrates' Courts on 29 April 2019.
14	12 September 2017	The Labour Department had completed the investigation and initiated prosecutions against the relevant duty holders. A total fine of \$233,000 was imposed at the Magistrates' Courts on 1 June 2018.

15	17 October 2017	The Labour Department had completed the investigation and initiated prosecutions against the relevant duty holders. The 1 st defendant was fined \$150,000 at the Magistrates' Courts on 7 September 2018. The 2 nd defendant was fined \$40,000 at the Magistrates' Courts on 30 October 2018.
16	20 October 2017	The Labour Department had completed the investigation and initiated prosecutions against the relevant duty holders. The case for the 1 st and 2 nd defendants is scheduled for pre-trial review on 7 March 2019 and for trial on 10 April 2019 at the Magistrates' Courts. The case for the 3 rd to 6 th defendants is scheduled for trial from 11 to 15 March 2019 at the Magistrates' Courts.
17	20 October 2017	The Labour Department had completed the investigation and initiated prosecutions against the relevant duty holders. The case is scheduled for trial from 2 to 5 and on 8 July 2019 at the Magistrates' Courts.
18	21 October 2017	The Labour Department had completed the investigation and initiated prosecutions against the relevant duty holders. A total fine of \$68,000 was imposed at the Magistrates' Courts on 7 December 2018.
19	10 November 2017	The Labour Department had completed the investigation and initiated prosecutions against the relevant duty holders. The defendants were acquitted after trial at the Magistrates' Courts on 16 November 2018.
20	15 November 2017	The Labour Department had completed the investigation and initiated prosecutions against the relevant duty holders. A total fine of \$71,000 was imposed at the Magistrates' Courts on 14 September 2018.

21	28 November 2017	The Labour Department had completed the investigation and initiated prosecutions against the relevant duty holders. The case is scheduled for pre-trial review at the Magistrates' Courts on 25 February 2019.
22	9 December 2017	The Labour Department had completed the investigation and initiated prosecutions against the relevant duty holders. The case is scheduled for pre-trial review at the Magistrates' Courts on 9 April 2019.