

# Buildings Department instigates prosecution regarding tower crane collapse incident on Anderson Road, Sau Mau Ping

A spokesman for the Buildings Department (BD) said today (September 6) that the BD has completed an investigation into the incident of the collapse of a tower crane that happened on September 7, 2022 at a construction site on Anderson Road, Sau Mau Ping and initiated nine prosecutions. The incident caused the death of three workers and injury to six workers.

The spokesman said that the BD has completed the investigation regarding the building works as mentioned above. The subject tower crane was supported by a steel supporting frame, which was assembled by welding and bolted connections, and the steel supporting frame was fixed onto the permanent reinforced concrete structure of the building. The investigation has revealed that welded joints between steel segments of the steel supporting frame were torn off, resulting in the collapse of the entire tower crane in the incident.

In the light of the investigation findings and after consultation with the Department of Justice, the BD has initiated nine prosecutions under section 40(2B)(a) of the Buildings Ordinance (BO) against the registered general building contractor (RGBC), the authorised signatory of the RGBC, the relevant sub-contractors and individuals directly concerned with the building works involving a total of four companies and four individuals. Summonses have been issued by the Kwun Tong Magistrates' Courts. The hearing of the case is scheduled for January 30, 2024. According to normal procedures, the prosecution information will be posted on the website of the Judiciary the day before the hearing.

Pursuant to section 40(2B)(a) of the BO, any person directly concerned with any building works, who carries out or has carried out such works, or authorises or permits or has authorised or permitted such works to be carried out, in such manner that it causes injury to any person or damage to any property is liable on conviction to a maximum fine of \$1 million and imprisonment for three years.

The spokesman said that the BD reminded once again contractors and persons directly concerned with building works to properly supervise building works during construction in accordance with the BO and its subsidiary legislation and the Code of Practice for Site Supervision to ensure the safety of the building and the public.

In addition to instigating prosecution action according to the relevant legislation, the Development Bureau (DEVB) and the BD will continue to follow up the subject case seriously according to the established mechanisms in

respect of matters concerning the qualification for tendering of public works contracts, the contractor's registration and the disciplinary action respectively.

On public works, the DEVB has suspended the two contractors concerned on its approved contractors lists from tendering of public works contracts in all works categories until December 31, 2023 and October 16, 2024 respectively. After receiving relevant investigation report, the DEVB will arrange to convene the Panel of Enquiry, according to the established regulating regime, to examine the degree of contribution of these contractors in the incident and to consider taking further actions, including extension of the period of suspension from tendering for public works contracts and even removal from the approved contractors lists.

In addition, the registration of the RGBC concerned in the subject case has expired in April 2023. As the contractor was involved in a fatal construction site incident, despite it has not yet been convicted, the BD will refer its renewal application to the Contractors Registration Committee (CRC) for interview and assessment according to the enhanced arrangement in the regulation of RC that was introduced earlier. The BD will consider the recommendations of the CRC to decide whether to accept or refuse the application and the need to impose conditions in case the application is accepted.

Furthermore, if an RC has been convicted by the court, the BD may bring to the notice of a disciplinary board for disciplinary proceedings. After the disciplinary board conducts an inquiry, it may order that the name of the RC be removed from the registered contractors' register, either permanently or for such period as the disciplinary board thinks fit, or be fined not exceeding \$250,000, or be reprimanded in accordance with section 13(4) of the BO.

To further strengthen the safety of building works in private construction sites, the BD has enhanced site auditing to check the safety and quality of building works including temporary works. The BD carried out a special operation last year to conduct audit inspections to private construction sites erected with tower cranes. A circular letter was issued to the RC and registered building professionals requiring them to inspect the related temporary works to ensure the safety of tower cranes on construction sites under their management. The BD is also drafting a proposal to strengthen the supervision of temporary works supporting tower cranes and will submit the proposal to relevant stakeholders and the Technical Committee on the Code of Practice for Site Supervision for discussion. In addition, the BD also encourages contractors to adopt the Smart Site Safety System on private construction sites to promote smart site safety construction and improve site safety comprehensively through innovative technologies.

For the subject case, the Labour Department has completed the investigation and initiated prosecution against the relevant duty holders (including the relevant contractor, subcontractors and individuals) under the Factories and Industrial Undertakings Ordinance and the Occupational Safety and Health Ordinance in March 2023 and the Police is also actively conducting

in-depth investigation to the incident.