

# Labour Department brings prosecutions regarding fatal work accident at construction site on Austin Road West

Regarding a fatal work accident that occurred in September last year in an underground cooling main at a construction site on Austin Road West, the Labour Department (LD) has completed its investigation.

Having consulted the Department of Justice, the LD has initiated a total of 31 prosecutions against the relevant duty holders (including the relevant contractor, subcontractors and individuals) under the Factories and Industrial Undertakings Ordinance (Cap. 59) and the Factories and Industrial Undertakings (Confined Spaces) Regulation (Cap. 59AE). As the accident involved extremely serious occupational safety and health contraventions, the LD decided for the first time to take out part of the prosecutions against the duty holders concerned by way of indictment under the Occupational Safety and Occupational Health Legislation (Miscellaneous Amendments) Ordinance 2023, which came into effect last April. Upon conviction, the maximum penalty is a fine of \$10 million and imprisonment for two years.

A spokesperson for the LD said, "The LD will not tolerate illegal acts, and will strictly enforce the law and do its utmost to protect the occupational safety and health of employees."

To curb unsafe work practices and ensure the safety of workers, the LD last year conducted a two-week special inspection exercise targeting confined space work in construction sites. Moreover, the LD revised the Code of Practice for Safety and Health at Work in Confined Spaces (CoP) which was gazetted on May 31, 2024. The CoP will take effect on November 30, 2024, after a six-month transition period for the industry to get prepared for the revision.

The spokesperson said that the CoP provides proprietors, contractors, competent persons and certified workers with practical guidance and technical information to comply with the requirements set out in the occupational safety and health legislation regarding confined space work for safeguarding the safety and health of workers.

The LD takes this opportunity to remind contractors and employers once again that they should provide plant, systems of work as well as a working environment that are safe and without risk to health to safeguard the work safety of construction workers. Employees should also co-operate with their employers, adopt all safety measures and use the provided personal protective equipment properly to avoid endangering their own work safety and that of other workers.