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RRT RESEARCH RESPONSE

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Questions

1. Please advise when the Wanshi tunnel was originally built and the length and depth of the tunnel.

2. Please provide any information on the reconstruction project and whether anyone was injured/killed during the project.

3. Please provide any information on the Dongsheng Construction Engineering Company Limited in Xiamen.

RESPONSE

1. Please advise when the Wanshi tunnel was originally built and the length and depth of the tunnel?

Xiamen (厦门) is a coastal prefecture-level city in southeastern Fujian province. Xiamen City comprises Xiamen Island, Gulangyu Island, and a larger region along the mouth of the Jiulong River on the mainland. Huli District and most of Siming District (except Gulangyu) are on Xiamen Island, while the other four districts lie on the mainland. (See map '厦门地图 (Xiamen Map)' (undated in Chinese), Accessed via Guang.net Chinese map website – http://www.guang.net/map.htm – http://www.9654.com/m/xiamen.htm – Accessed 30 January 2008 – Attachment 1).

Wanshishan and Zhonggushan

The hills, *Wanshishan* (Wanshi "Ten Thousand Stone" Hill 万石山) and *Zhonggushan* (Zhonggu Hill 钟鼓山), are both part of a range of hills in the southwest of Xiamen Island, close to downtown Xiamen City. The hills appear to form part of the 227 hectare Wanshi

Botanic Gardens (Wanshi Gardens are the largest green area in the southwest of Xiamen Island – see maps at Attachments 2-4 ('Xiamen and Gulang Yu map' in Harper, Damien and others 2002, *China*, Lonely Planet Publications Pty. Ltd, 8th ed, August, Melbourne, p.383 – Attachment 2; 'Travel Map of Xiamen, Fujian Province, China' (undated), Maps-of-China.net <u>http://www.maps-of-china.net/city/xiamenm.htm</u> – Accessed 30 January 2008 – Attachment 3; '厦门市区地图 (Xiamen City Districts Map)' (undated in Chinese), Via Guang.net Chinese map website – <u>http://www.guang.net/map.htm</u> – <u>http://www.9654.com/m/xiamen1.htm</u> – Accessed 30 January 2008 – Attachment 4). Although both hills are not both marked on the same map, *Wanshishan* is marked in English near the top of the Wanshi Botanic Gardens in Attachment 3 and *Zhonggushan* (钟鼓山) is marked in Chinese below Wanshi Botanic Gardens in Attachment 4. (For a picture of the hills and a description of the gardens, see the following links –

- http://photos.igougo.com/pictures-photos-l693-p185073-Wanshi_Reservoir.html;
- http://www.chinavista.com/xiamen/tour/ws.html;
- http://www.appletravel.cn/index.php?action=holidays&id=269)

The Tunnels

Very little was found about the construction of the tunnels in English language reports. According to an undated report on Xiamen on a Chinese Travel website, a number of tunnels are being built through the range of hills in the southern part of the island, to relieve traffic congestion in the Old City which lies on the west coast, adjoining the Wanshi Botanic Gardens ('Geography of Xiamen' (undated), Apple Travel <u>http://www.appletravel.cn/index.php?action=boating3</u> – Accessed 29 January 2008 – Attachment 5). The report notes that "at the beginning of the 90s, the Municipal Government cut a tunnel through, which goes from near the Wanshi Botanical Garden and comes out beside Nanputu". The full text of the relevant section states:

Across the southern part of the district runs the chain of hills from *hongshan* with its little monastery and park, via *huxiyan*—another good view-point, and not over-run with people; the chan (Zen) monastery part way up has a well-known tea-house if you don't fancy climbing up to the top—to the highest point on the island, *yundingyan*, at about 340 metres, though that is off-limits to all but approved personnel, as it is a military zone. This line of hills constituted another barrier to movement, as it forced all traffic to the university, Nanputuo Temple and other places to go through the centre of the old part of the city, which was highly congested as a result. Again, **though this time at the beginning of the 90s, the Municipal Government cut a tunnel through, which goes from near the** *Wanshi Botanical Garden* **and comes out beside** *Nanputuo***. Another tunnel is currently being cut through between** *lianqian***, the road leading to qianpu, running almost due south under yundingyan, to join the Round-the-Island Road near huangcuo.**

This road tunnel, along with a rail tunnel a few hundred metres west of it are marked in the Lonely Planet's 2002 map of Xiamen ('Xiamen and Gulang Yu map' in Harper, Damien and others 2002, *China*, Lonely Planet Publications Pty. Ltd, 8th ed, August, Melbourne, p.383 – Attachment 2). The tunnels, which have been highlighted in orange in the attachment, run North-South. From the map scale, the road tunnel, which emerges near the Nanputao temple in the south, is over a kilometre long, and the rail tunnel is slightly less. The tunnel entrances (again marked in orange on the hard copy) are also shown in one of the Chinese language maps ('厦门市区地图 (Xiamen City Districts Map)' (undated in Chinese), Via Guang.net

Chinese map website - http://www.guang.net/map.htm -

<u>http://www.9654.com/m/xiamen1.htm</u> – Accessed 30 January 2008 – Attachment 4). Interestingly, this map shows two entrances at the south end of the road tunnel, implying that there may be separate tunnels for each traffic direction.

Chinese language reports indicate that there are a number of tunnels in existence and under construction under the *Wanshishan* and *Zhonggushan* hills. Chinese language reports mention the construction of 'Zhonggushan tunnel' (钟鼓山隧道 also钟鼓山洞) as well as a 'Wanshishan tunnel' (万石山隧道) and a joint 'Zhonggushan tunnel-Wanshishan tunnel' (钟鼓山万石山隧道). (No information was found on these tunnels in English language sources consulted. Information has been obtained from reports on a number of Chinese language reports on various Xiamen government and other Chinese government websites. Though no translation of these reports is yet available, the following information was extracted from reports by a fluent Chinese speaking staff member:

The Zhonggushan Tunnel was constructed in the 1980s (no exact year was given in the reports). Construction of a new tunnel, the Wanshishan Tunnel, was commenced on 24 April 2005, at which time the Zhonggushan Tunnel was closed to traffic. The Wanshishan Tunnel will go under the Zhonggushan Tunnel and they are being connected by distribution roads. Two of these roads (called 'A' and 'B') will enable traffic between the Zhonggushan Tunnel and the Wanshishan Tunnel. The third ('C') will not connect to the Zhonggushan tunnel, but lead to the exit of the Wanshishan Tunnel. The entire project was meant to take 18 months, but the latest reports forecast that it will open in May 2008.

The total length of the new tunnels will be about 2.9 km; the two main tunnels will be about 1.2 km in either direction. On completion the entire tunnel complex will have a length of 5,852 metres. The new project is also referred to as the Zhonggushan Tunnel Renovation Project.

The sources for this information, which also contain pictures of the tunnel construction, are:

- '钟鼓山隧道将有"姊妹隧道"万石山隧道10天后动工'('Zhonggushan tunnel will have "sister tunnel" Wanshishan tunnel – 10 days to begin construction') 2005, Xiamen Traffic for National Defence website (in Chinese), 25 April <u>http://www.xmgfjt.gov.cn/xw/refer/show.asp?id=34</u> – Accessed 1 February 2008 – Attachment 6;
- '两条隧道上跨下穿南北交叉 钟鼓山隧道、万石山隧道在同一山体穿行' ('Two tunnels on the north-south cross-wear under Zhonggu Mountain Tunnel, Wanshishan tunnel in the same mountain crossed') 2007, Xiamen Municipal Government (in Chinese), 14 January http://www.xiamen.gov.cn/zt/hxxaccy/200701/t20070115_151107.htm Accessed 29 January 2008 Attachment 7;
- '万石山隧道右线贯通' ('Wanshishan right-hand lane through the tunnel') 2007, Xiamen Municipal Government website (in Chinese), 2 December <u>http://www.xm.gov.cn/tpxw/200712/t20071202_193450.htm</u> – Accessed 29 January 2008 – Attachment 8;
- "厦门:钟鼓山隧道于今年"十一"前通车' ('Xiamen: Zhonggu tunnel in this year's "11"
 …') 2007, China National Tourist Office website, Source: Fujian Provincial Tourism Information Centre (in Chinese), 25 July

http://www.cnta.com/news_detail/newsshow.asp?id=A20077251520255522591 – Accessed 29 January 2008 – Attachment 9 ;

- '万石山内洞叠洞, 创两项全国之最' ('Tunnel over tunnel inside Wanshishan') 2005, Xiamen Traffic for National Defence website (in Chinese), 22 April <u>http://www.xmgfjt.gov.cn/xw/refer/show.asp?id=34</u> – Accessed 1 February 2008 – Attachment 10
- '钟鼓山隧道单向开放 万石山隧道五一通车' ('Zhonggu Wanshishan open the tunnel one-way opening of the tunnel on May 1 ') 2008, *Southeast Express* (Fujian) (in Chinese), 21
 January <u>http://www.dnkb.com.cn/news/20080120/235957.html</u> Accessed 29 January 2008 –
 Attachment 11.

There is a small, unclear map of the tunnel project in Attachment 10. This shows a complex of interconnecting tunnels.

2. Please provide any information on the reconstruction project and whether anyone was injured/killed during the project.

Most of the information found on the tunnel project was included in the previous question. It was also confirmed that the Erju Railway Company of China (or China Railway Erju (2nd Group) Company – 中铁二局股份有限公司), is involved in the current Wanshishan Tunnel construction project, though no details of their involvement or names of persons from the company were found in the reports. The China Railway Erju Group Corporation (中铁二局), which is based in Chengdu in Sichuan province, is a large construction company with about 15,000 employees ('China Railway Erju Co., Ltd. – Company Profile Snapshot' 2007, Wright Investors' Service

<u>http://wrightreports.ecnext.com/coms2/reportdesc_COMPANY_C156OQ200</u> – Accessed 1 February 2008 – Attachment 12).

The company is mentioned in the Chinese language reports on the Wanshishan Tunnel construction project at Attachments 6-10. The company's Chinese language website also shows a picture of the tunnel (China Railway Erju Group Corporation 2008, 'Highway engineering Projects', CREC website in Chinese <u>http://www.crec.com.cn/glgc.asp</u> – Accessed 1 February 2008 – Attachment 13). No subcontracting companies were mentioned in the reports.

No reports of injuries or deaths on the project were found in the sources consulted, though the Xiamen government websites, which were the source of most information on the project, may not have wished to publicise any such incidents. A number of sources note difficulties for Chinese workers seeking compensation for injuries at work. The US Department of State *Country Reports on Human Rights Practices 2006 – China* states:

The government reported that 102 million workers participated in the country's work-injury insurance system, an increase of 17 percent over the previous year. However, NGOs reported that local labor and social security bureaus frequently rejected claims for compensation by workers because employers failed to provide them with documentation as required by law. Workers showed a willingness to use lawsuits to pursue injury and illness claims against employers, but there were few sources of legal aid available.

(US Department of State 2007, *Country Reports on Human Rights Practices 2006 – China*, March Sec. 6e – Attachment 14)

China Labour Watch reports significant barriers and delays in claiming compensation for work injuries:

However, the work injury complaint filing, deciding and enforcing process takes up to 1,070 days on average, which is an unaffordable high price for most migrant workers who usually have no source of income during the long waiting period. Due to the complexity and long process of applying for and receiving legal compensation, most workers choose to reach a private settlement with the employer, which results in significantly lower amount of actual compensation. The rate and seriousness of work injuries and the various difficulties associated with the compensation application process have become one of the greatest plagues migrant workers are facing today. (p.3)

Labor Contract and Work Injury Insurance. Among all workers who answered the questions (251), 163 (65%) of them had labor contract and 87 (35%) did not. Meanwhile, 179 out of 246 workers (73%) had work injury insurance and 67 (27%) workers did not. These numbers mark significant improvement from an independent research in 2003 (61.7% of the injured workers did not have labor contract) and CLW's 2005 report ("only half of workers surveyed reported any work-injury insurance."). However, being insured does not guarantee workers' receiving lawful compensation. In practice, employers often have a special relationship with the hospitals they send injured workers to, who would withhold workers' medical documents, so that workers cannot apply for work injury certificate and evaluation timely. In return, employers will keep sending injured workers to such hospitals. Employers, on the other hand, often deny the employment relationship with injured workers or refuse to produce necessary documentation for filing claims. Another common practice is that, in many factories, employers purchase work injury insurance for a fraction of total workers in order to save money. Then they would have injured workers to claim compensation under the insured workers' names, which often cause delay and complication of compensation claiming or denial. (pp.6-7)

(China Labour Watch 2007, *The Long March: Survey and Case Studies of Work Injuries in the Pearl River Delta Region*, February <u>http://www.chinalaborwatch.org/2007FinalWorkInjuryReport.pdf</u> – Accessed 4 February 2008 – Attachment 15)

The organisation, China Labour Bulletin, reports similar problems:

China's more than 120 million migrant workers routinely suffer the worse forms exploitation and discrimination in the workplace; they work long hours for low pay, and all too frequently are cheated out of their legitimate wages. **They work in extremely hazardous conditions but when they get injured or contract a work-related illness, employers will often deny any liability and seek to avoid paying anything but token compensation**. Factory owners and managers exploit workers' lack of legal knowledge and awareness of their right in a bid to circumvent their own legal obligations. However, more and more workers are now seeking compensation for injury or non-payment of wages, and many are winning important judgments in the courts.

Many arbitration hearings end unsatisfactorily for workers, and even when the committee rules in favour of the complainant, because it is an administrative body with non-binding rulings, there is no guarantee the employer will agree to pay the compensation ordered.

('Migrant Workers start to win significant compensation awards in the courts' 2007, China Labour Bulletin, (no specific date) <u>http://www.china-labour.org.hk/en/node/50878/</u> – Accessed 4 February 2008 – Attachment 16)

3. Please provide any information on the Dongsheng Construction Engineering Company Limited in Xiamen.

The company's name is 福建省东昇建设工程有限公司 (Fujian Dongsheng. This company was not mentioned in the Chinese language reports on the Xiamen tunnel construction project.

No company profiles of the Dongsheng Construction Engineering Company Ltd were found in either English or Chinese. Chinese language sources on the internet contain <u>178 mentions</u> of the company name (福建省东升建设工程有限公司), but no information was found in these reports about the company's management, size or location. (It should be noted that Chinese language capacity for such searches in the Research section is quite limited and not all reports were checked in depth). In most of these reports, the company is listed as one of a number of companies tendering for construction projects. A 2007 notice on the Chinese language Fujian Construction Department website (<u>www.fijs.gov.cn</u>) notes that the company is registered to operate and is one of the 11 major construction companies in the province, but the report does not give any other information.

('关于核准公布福建省东昇建设工程有限公司等15家建筑业企业资质等级的通知' 2007, Fujian Construction Department website, 11 May

<u>http://www.fjjs.gov.cn/news/shownews.asp?id=14269</u> – Accessed 5 February 2008 – Attachment 17).

Addendum 6 May

A search for the phone number on the document of the Fujian Dongsheng Construction Engineering Company Limited (福建省东昇建设工程有限公司) – found <u>http://fj.moocity.com/fj/123512788.html</u> which is an entry on a Fujian Business Directory for another company in the same town. The new company's name (which red showing the different characters) is **Fuqing Dongyao** Construction Engineering Company Limited (福清市东耀建设工程有限公司).

The "Contact person" for this company is Mr Liu Ming Jian (刘明建).

The Address is 福建省福清市东张镇清平路北9号 (No 9 Qingping Rd North, Dong Zhang Town, Fuqing City, Fujian).

The same information is shown on <u>http://www.zgjs114.com/Article/ShowArticle.asp?ArticleID=114</u> & <u>http://data.netlead.cn/data/3fj.asp & http://www.jindan.net/company/c05/ze/fg/567727.shtml</u>.

Further searches on Mr Liu Ming Jian's name (刘明建) showed that Mr Liu Ming Jian has been connected with 3 construction companies:

- 1. **Fujian Dongsheng Construction** Engineering Company Limited (福建省东昇建设工程有限公司).
- 2. **Fuqing Dongyao Construction** Engineering Company Limited (福清市东耀建设工程有限公司) Discussed above.

3. Fuqing Dongzhang Construction Engineering Company (福清市东张建筑工程公司) (see <u>http://www.jindan.net/company/cjj/zz/ca/31110.shtml</u> – this has an almost identical phone number with one digit missing 0591-5391045) This company changed its name to Fujian Dongsheng (etc) by 2006, according to the document below.

Mr Liu is mentioned as the "Legally appointed representative" of the "Fuqing Dongzhang Construction Engineering Company (福清市东张建筑工程公司) name changed to Fujian Dongsheng Construction Engineering Company Limited (福建省东昇建设工程有限公司)" in a 2006 Chinese language document on the Fujian Construction Department website (http://www.fjjs.gov.cn/dl/2006/mjsp%5B2006%5D17.xls). This document is titled "Fujian Provincial Partial List of Falsification of Manager's Qualification Certificates". The document also lists 10 people from the company under the heading "Falsification People List" which could mean that these 10 people may have falsified certificates or that their certificates may have been falsified. It is not clear whether Mr Liu is implicated in the falsification, but it appears that he is being held somehow responsible as the legally appointed representative of the company. The document is undated, but the filename indicates it is from 17 May 2006.

Fujian Dongsheng Construction Engineering Company Limited

(福建省东昇建设工程有限公司) – has the following mentions on the Fujian Construction Department website

- 2006 "Fujian Provincial Partial List of Falsification of Manager's Qualification Certificates" (<u>http://www.fjjs.gov.cn/dl/2006/mjsp%5B2006%5D17.xls</u>) The company and Mr Liu are listed see discussion above.
- Fujian Construction Department list of 721 Construction Companies against whom labour compensation claims were made in 2007 http://www.fijs.gov.cn/dl/2007/mjzh%5B2007%5D53fj.xls). Fujian Dongsheng Construction Engineering Company Limited (福建省东昇建设工程有限公司) is listed (at number 140233223 row 53) as one of the companies in Fuzhou.
- ('关于核准公布福建省东昇建设工程有限公司等15家建筑业企业资质等级的通知' 2007, Fujian Construction Department website, 11 May <u>http://www.fijs.gov.cn/news/shownews.asp?id=14269</u> – Accessed 5 February 2008 – Attachment 17) This notes the company was permitted to operate and was a large construction company in 2007.

Fuqing Dongzhang Construction Engineering Company (福清市东张建筑工程公司)

A 2006? Profile (<u>http://www.sinocities.com/fujian/17/fujian113.html</u>) states (with imprecise Google translation):

DongZhang Fuqing City construction company 主营产品或服务: Main products or services: 房屋建筑; Housing construction; 主营行业: Main industries: 工程承包; 其他未分类; Engineering contracts; other unclassified; 注册资金: Registered capital: 员工人数: Number of employees: 101 – 200 人 101 – 200 people 公司成立时间: Year established: 年营业额: Annual turnover: 人民币700 万元/年-1000 万元/年 7 million yuan / - 10 million / year
联系人: Contact:
电话: Phone: -0591-5391045
移动电话: Mobile:
传真: Fax:
地址: Address: 福建省福清市东张镇东张居委会 Zhang Fuqing City of Fujian Province
Zhang Zhendong neighborhood
邮编: Zip: 350305

Fuqing Dongyao Construction Engineering Company Limited (福清市东耀建设工程有限公司).

Apart from the profile above (<u>http://fj.moocity.com/fj/123512788.html</u>) which mentions Liu Mingjian, this company is only mentioned briefly in directories which only give the address or phone number.

List of Sources Consulted

Internet Sources:

Government Information & Reports

Immigration & Refugee Board of Canada http://www.irb.gc.ca/ UK Home Office http://www.homeoffice.gov.uk US Department of State http://www.state.gov/ US Department of State website http://www.state.gov **United Nations (UN)** UNHCR http://www.unhchr.ch/ **Non-Government Organisations** Amnesty International website http://www.amnesty.org/ Freedom House http://www.freedomhouse.org/template.cfm?page=1 Human Rights Watch http://www.hrw.org/ **International News & Politics** BBC News website http://news.bbc.co.uk/ **Region Specific Links** China Daily http://www.chinadaily.com.cn/ http://www.chinadaily.com.cn/ China Labour Bulletin http://www.china-labour.org.hk/public/main China Labour Watch http://www.chinalaborwatch.org/ Human Rights in China http://www.hrichina.org/public/index **Search Engines** Google search engine http://www.google.com.au/ Databases: FACTIVA (news database) BACIS (DIMA Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports) RRT Library Catalogue

List of Attachments

- "厦门地图 (Xiamen Map)' (undated in Chinese), Via Guang.net Chinese map website <u>http://www.guang.net/map.htm</u> – <u>http://www.9654.com/m/xiamen.htm</u> – Accessed 30 January 2008.
- 2. 'Xiamen and Gulang Gu map' in Harper, Damien and others 2002, *China*, Lonely Planet Publications Pty. Ltd, 8th ed, August, Melbourne, p.383.
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- "厦门市区地图 (Xiamen City Districts Map)" (undated in Chinese), Via Guang.net Chinese map website – <u>http://www.guang.net/map.htm</u> – <u>http://www.9654.com/m/xiamen1.htm</u> – Accessed 30 January 2008.
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- (钟鼓山隧道将有"姊妹隧道"万石山隧道10天后动工'('Zhonggushan tunnel will have "sister tunnel" Wanshishan tunnel – 10 days to begin construction') 2005, Xiamen Traffic for National Defence website (in Chinese), 25 April <u>http://www.xmgfjt.gov.cn/xw/refer/show.asp?id=34</u> – Accessed 1 February 2008.
- '两条隧道上跨下穿南北交叉 钟鼓山隧道、万石山隧道在同一山体穿行'('Two tunnels on the north-south cross-wear under Zhonggu Mountain Tunnel, Wanshishan tunnel in the same mountain crossed') 2007, Xiamen Municipal Government (in Chinese), 14 January <u>http://www.xiamen.gov.cn/zt/hxxaccy/200701/t20070115_151107.htm</u> – Accessed 29 January 2008.
- "万石山隧道右线贯通" ('Wanshishan right-hand lane through the tunnel') 2007, Xiamen Municipal Government website (in Chinese), 2 December <u>http://www.xm.gov.cn/tpxw/200712/t20071202_193450.htm</u> – Accessed 29 January 2008.
- 9. '厦门:钟鼓山隧道于今年"十一"前通车' ('Xiamen: Zhonggu tunnel in this year's "11" …') 2007, China National Tourist Office website, Source: Fujian Provincial Tourism Information Centre (in Chinese), 25 July
 <u>http://www.cnta.com/news_detail/newsshow.asp?id=A20077251520255522591</u> Accessed 29 January 2008.
- 10. '钟鼓山隧道单向开放 万石山隧道五一通车' ('Zhonggu Wanshishan open the tunnel one-way opening of the tunnel on May 1 ') 2008, *Southeast Express* (Fujian) (in Chinese), 21 January <u>http://www.dnkb.com.cn/news/20080120/235957.html</u> Accessed 29 January 2008.

- 11. '万石山内洞叠洞, 创两项全国之最' ('Tunnel over tunnel inside Wanshishan') 2005, Xiamen Traffic for National Defence website (in Chinese), 22 April <u>http://www.xmgfit.gov.cn/xw/refer/show.asp?id=34</u> – Accessed 1 February 2008.
- 'China Railway Erju Co., Ltd. Company Profile Snapshot' 2007, Wright Investors' Service <u>http://wrightreports.ecnext.com/coms2/reportdesc_COMPANY_C156OQ200</u> – Accessed 1 February 2008.
- 13. China Railway Erju Group Corporation 2008, 'Highway engineering Projects', CREC website in Chinese <u>http://www.crec.com.cn/glgc.asp</u> Accessed 1 February 2008.
- 14. US Department of State 2007, Country Reports on Human Rights Practices 2006 China, March Sec. 6d.
- 15. China Labour Watch 2007, The Long March: Survey and Case Studies of Work Injuries in the Pearl River Delta Region, February <u>http://www.chinalaborwatch.org/2007FinalWorkInjuryReport.pdf</u> – Accessed 4 February 2008.
- 16. 'Migrant Workers start to win significant compensation awards in the courts' 2007, China Labour Bulletin, (no specific date) <u>http://www.china-labour.org.hk/en/node/50878/</u> Accessed 4 February 2008.
- 17. '关于核准公布福建省东昇建设工程有限公司等15家建筑业企业资质等级的通知'
 2007, Fujian Construction Department website, 11 May
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