

政府總部
經濟發展及勞工局 (勞工科)



ECONOMIC DEVELOPMENT AND
LABOUR BUREAU (LABOUR BRANCH)
GOVERNMENT SECRETARIAT

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23 May 2006

Clerk to the LegCo Panel on Manpower
Legislative Council Building
8 Jackson Road
Central
Hong Kong

(Attn : Miss Joesphine So)

Dear Miss So,

LegCo Manpower Panel Meeting

I refer to the discussion at the meeting of the Panel on Manpower held on 16 June 2005 and write to provide the information as requested by Members on the progress of the discussion by the Construction Industry Tripartite Committee on the allegation that some construction companies adopt administrative measures to discourage contractors from reporting cases of occupational injuries (reference item 5 in the list of follow-up actions attached to your letter of 17 March 2006).

The matter was discussed at the Construction Industry Tripartite Committee meeting held on 21 February 2006. At the meeting, representatives from trade unions alleged that some construction companies were charging sub-contractors a high administrative fee for reporting work injuries of their employees. As a result, to avoid paying high administrative fee, some sub-contractors would seek private settlement with the injured workers without reporting the cases to the principal contractors.

In response, representatives from trade associations claimed that non-reporting of site accidents was not to the principal contractor's benefit, as this would expose them to claims from injured workers if the

cases were not reported. The administrative fee levied by the principal contractor on his sub-contractors was to cover the latter's statutory duty of reporting accidents and the follow-up action including reporting and liaison with insurer and arrangement of medical/rehabilitation service, etc. They further pointed out that the measure also had a positive effect on site safety as the behaviour of some sub-contractors had changed from a careless attitude to a more responsible one.

The Committee reached the consensus that non-reporting of site accidents was neither to the benefit of principal contractors nor workers, and that it was also a breach of the law. The Committee further agreed that the following measures should be taken to prevent non-reporting of site accidents :

- (a) trade unions will remind workers to report work accidents to the Labour Department if they suspect that their employers have failed to do so;
- (b) trade associations will advise their members to stop charging unreasonably high administrative fee on sub-contractors and take appropriate steps to ensure timely reporting of accidents; and
- (c) the Labour Department will produce relevant posters to remind employers of their legal duty to report accidents of their employees.

Yours sincerely,



(TSO Sing-hin)
for Secretary for Economic Development
and Labour