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Panel on Manpower

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 21 January 2009**

Occupational Safety Performance in Hong Kong

Purpose

This paper summarizes past discussions by the Panel on Manpower (the Panel) on occupational safety in Hong Kong.

Deliberations of the Panel on Manpower

2. The Panel discussed Hong Kong's occupational safety performance at its meetings on 20 May 2004, 16 June 2005, 15 June 2006, 21 December 2006, 21 June 2007 and 20 December 2007. The discussions are summarized in the following paragraphs.

3. According to the Administration, the Labour Department (LD) attached great importance to enhancing occupational safety, and was committed to ensuring that risks to the safety of people at work were properly managed and addressed through legislation, law enforcement, promotion, education and training. Through the concerted efforts of all parties concerned, including employers, employees, contractors, safety professionals and the Government, there had been steady improvement in Hong Kong's occupational safety performance in recent years.

Requirement to report occupational injuries

4. Some members said that many contractors in the construction industry had deliberately not reported occupational injuries in order to maintain a good safety record and a better chance of winning contracts. They asked whether the Administration would consider adopting measures, such as making it mandatory for medical doctors to report occupational injuries, to address the problem.

5. The Administration responded that there were statutory requirements on the notification of occupational diseases and most occupational injuries had been reported. It was tackling the problem through law enforcement, publicity and education.

Causes for industrial accidents

6. Some members asked whether the Administration had carried out case studies to identify the causes for industrial accidents. They considered that such information could help the Administration plan and enhance the publicity and education programmes on industrial safety for targeted groups and industries.

7. The Administration responded that it had conducted in-depth analyses on fatal industrial accidents. Case analyses had been provided to trade unions, training institutes, the media and occupational safety officers for dissemination to relevant sectors.

Work-related injuries of self-employed persons

8. Some members suggested that consideration should be given to making it mandatory for all work-related injuries to be reported to LD, including those of self-employed persons.

9. The Administration stressed that careful consideration should be given to the idea of requiring self-employed persons to report work injuries since it would require introduction of new legislation to give effect to the requirement. The likely impact of this policy should be fully assessed, and the agreement of all stakeholders had to be sought before implementation. The Administration added that in deciding whether a person was self-employed, the court would take into account all relevant facts of a case, including the circumstances, the evidence and precedent cases, if any, before concluding its judgment.

10. Some members considered that the Administration should compile work injury statistics from a wider perspective, and provide members with figures which covered all accidents occurring on construction sites, regardless of whether the injuries were related to employees or employers. With such information, members could have a more comprehensive picture of the safety performance of the construction industry.

Occupational safety of persons working at height

11. Some members noted with concern the number of fatalities caused by falling of workers from height. They asked whether the increase was related to improper working procedures on scaffolds.

12. The Administration responded that it had conducted an in-depth analysis into the causes for occupational injuries and industrial accidents in the construction industry and found that about 48% of the cases involved workers in minor renovation,

repair and maintenance works, including those working on truss-out scaffolds. The Administration stressed that it was very concerned about industrial accidents caused by fall from height, and had taken the following measures to improve the situation -

- (a) launching publicity campaigns directed at workers engaged in scaffolding works to enhance their safety awareness; and
- (b) stepping up inspections at construction sites to ascertain employers' and employees' compliance with the safety legislation.

13. The Administration advised that in order to improve the safety of workers working at height, LD had organized several large-scale seminars aimed at enhancing the safety awareness of employees, and had provided contractors with case analyses for sharing with their workers.

Industrial accidents related to the operation of tower cranes

14. Some members asked about the measures taken by the Administration to minimize industrial accidents related to the operation of tower cranes after a fatal accident in July 2007.

15. The Administration responded that it had taken stringent enforcement measures pursuant to the fatal accident, such as launching territory-wide inspections at construction sites, initiating prosecutions and issuance of suspension/improvement notices, organizing training courses for construction site workers and safety seminars for members of the trade. The Administration stressed that the fundamental issue involved in occupational health and safety was the need to promote a safety culture among the trades.

16. The Administration informed the Panel that the Committee on Construction Site Safety (CCSS) under the Construction Industry Council (CIC) had set up an Informal Task Force (ITF) to carry out a study with a view to improving the safe operation of tower cranes. Members of ITF comprised representatives from trade associations, professional bodies, trade unions, academia and government departments. ITF would recommend the following improvement measures to CIC -

- (a) all critical components and key members of a crane should be thoroughly examined and certified to be safe before delivery to sites for erection;
- (b) checklists on key components, certificates of examination and testing and maintenance should be kept available for on-site inspection;
- (c) a supervising engineer should be employed to directly supervise the erection, telescoping, lowering and dismantling of cranes;

- (d) the structural integrity of the foundation set-up, wall ties and its sitting structure should be assessed by a structural engineer; and
- (e) all workers engaged in securing loads should receive a two-day training on rigging activities involving tower cranes.

17. The Administration advised that LD would consider issuing suspension notices to suspend operations of the tower crane concerned, if the above measures were not being followed.

Occupational safety in construction sites and under hot weather

18. Some members enquired whether enhanced measures had been taken to minimize fatalities in construction sites, and whether the Administration had considered implementing measures to regulate working in very hot weather and promote eight hours of work for construction workers. They considered that workers should suspend their work in very hot weather.

19. The Administration responded that CCSS had looked at various issues including safety of heavy equipment at construction sites, safety of renovation and maintenance works, and working in hot weather. CCSS's preliminary finding was that it would be difficult to regulate working in hot weather as the precise temperature would vary according to the specific location of the works as well as the worksite arrangements. Hence, guidelines which drew attention to pertinent points to note and consider in selecting context-specific measures would instead be issued. The Administration had stepped up measures to minimize industrial accidents. These included, among others, putting in place a referral mechanism with property management companies to enable surprise inspections to be conducted on premises with unsafe renovation works, conducting additional inspections during weekends, and encouraging workers to attend safety training courses through different channels.

Renovation safety

20. Regarding renovation safety, the Administration informed the Panel that to tackle the increase in the number of occupational injuries and industrial accidents recorded for minor renovation, repair and maintenance works, it had adopted the following measures -

- (a) stepping up inspections at construction sites to ensure that contractors and construction workers observed safety and health at work;
- (b) strengthening the cooperation with the Association of Property Management Companies to make sure that the notification system, which required repair and maintenance works carried out in buildings to be reported to LD, worked effectively; and

- (c) enhancing the safety awareness of employers and employees in various industries through promotional and enforcement activities.

Recent measures to enhance occupational safety

21. According to the Administration, it had recently implemented the following series of measures to enhance occupational safety.

Enforcement campaigns

22. In the first half of 2007, the Administration conducted eight enforcement campaigns focused on a wide range of safety issues, including the safe operation of vehicles/mobile plants on construction sites, safety in the wholesale and retail trade, catering safety, cargo and container handling safety, construction safety, ladder safety and safety in the use of electricity. In these safety campaigns, the Administration took stringent enforcement actions, including issuing suspension notices/improvement notices, whenever necessary to ensure compliance with the law.

23. A special inspection campaign targeting at vehicles and mobile plants used on construction sites was conducted between January and May 2007 with a view to enhancing the industry's awareness of the striking and trapping hazards related to the use of such vehicles and plants. Safety advice was given to the owners/contractors responsible for these vehicles and plants during the exercise.

24. To address the concern on work safety of the wholesale and retail trade, the Administration launched between March and April 2007 a territory-wide inspection campaign to enhance the safety awareness of employers and employees in the trade. During the period, there were 2 612 inspections of wholesale and retail establishments including 48 supermarkets, with 25 prosecutions instituted and 30 improvement notices issued.

25. In light of two fatal accidents involving the use of ladder and electrical tool respectively in May 2007, a blitz operation on ladder safety and safe use of electricity was launched in June 2007 to regulate the safety performance of the duty holders concerned, including workers. LD had taken enforcement actions with a total of 76 prosecutions instituted and 73 improvement notices issued.

SME Sponsorship Scheme for Fall Arresting Equipment for Renovation and Maintenance Work

26. According to the Administration, working-at-height was one of the high-risk areas of work. The use of fall-arresting equipment could help mitigate such risks. The purchase of safety equipment could bring financial difficulties to small and medium-sized (SME) building contractors. As a means to encourage SME contractors to use fall-arresting equipment, the Administration had since October 2005 joined the Occupational Safety and Health Council (OSHC) in launching a subsidy

scheme for the purchase of fall-arresting equipment for working-at-height.

27. Under the subsidy scheme, a subsidy of up to \$3,000 was offered to proprietors or contractors of SMEs to purchase a Transportable Temporary Anchor Device, safety harness, fall arresting device and an independent lifeline. As a prerequisite, all subsidized SMEs must send their employees to attend the related free OSHC safety training courses.

28. A study by the Hong Kong University of Science and Technology commissioned by OSHC on the safety of truss-out scaffolds indicated that the use of T-shaped metal brackets could help overcome the difficulties in fixing and removing the expansion anchor bolts at lower positions. To encourage SME contractors to use safety equipment of higher standards, OSHC and LD decided in October 2006 to increase the subsidy ceiling under the subsidy scheme by \$500 to \$3,500 to assist applicants to purchase up to a maximum of five T-shaped metal brackets. This ceiling for subsidy was further increased to \$4,000 in June 2007 to assist applicants to purchase up to a maximum of 10 T-shaped metal brackets.

SME Sponsorship Scheme for Safety in Confined Spaces

29. According to the Administration, OSHC launched in 2004 a subsidy scheme to enhance work safety in confined spaces, such as manholes, sewage pipes and water tanks. Under the scheme, OSHC offered a maximum grant of \$10,000 for SMEs with financial difficulties to purchase gas testing equipment. OSHC also offered financial assistance to SMEs for conducting risk assessment. The ceiling of subsidy for this purpose was \$3,000 and each SME could be subsidized up to a maximum of three times within a year. However, an SME was not entitled to obtain subsidies for procuring gas testing equipment and risk assessment service simultaneously. All subsidized SMEs must nominate their employees to attend the related free OSHC training courses.

Establishment of Central Inspection Team

30. According to information provided by the Administration for the Panel meeting on 18 October 2007, LD would set up a Central Inspection Team to deal with investigation of complaints from workers against unsafe work conditions in their workplaces and to conduct surprise inspections at randomly selected workplaces of different geographical areas. Not only would this achieve better deterrent effect, it would also prevent possible collusion between Occupational Safety Officers of LD's district offices and the contractors/proprietors concerned. With this central investigation mechanism, workers might be more willing to report malpractices, if any, without fear of reprisals from the contractors/proprietors.

Relevant papers

31. A list of relevant papers which are available on the Legislative Council website is in the **Appendix**.

Council Business Division 2
Legislative Council Secretariat
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Appendix

List of relevant papers on occupational safety in Hong Kong

Minutes

- (a) minutes of meeting of the Panel on Manpower on 20 May 2004 [LC Paper No. CB(2)3202/03-04];
- (b) minutes of meeting of the Panel on Manpower on 16 June 2005 [LC Paper No. CB(2)2468/04-05];
- (c) minutes of meeting of the Panel on Manpower on 15 June 2006 [LC Paper No. CB(2)2741/05-06];
- (d) minutes of meeting of the Panel on Manpower on 21 December 2006 [LC Paper No. CB(2)838/06-07];
- (e) minutes of meeting of the Panel on Manpower on 21 June 2007 [LC Paper No. CB(2)2688/06-07];
- (f) minutes of meeting of the Panel on Manpower on 20 December 2007 [LC Paper No. CB(2)1073/07-08];

Papers

- (g) Administration's paper entitled "Hong Kong's Occupational Safety Performance in 2003" for the meeting of the Panel on Manpower on 20 May 2004 [LC Paper No. CB(2)2371/03-04(03)];
- (h) Administration's paper entitled "Occupational Safety Performance of Hong Kong in 2004" for the meeting of the Panel on Manpower on 16 June 2005 [LC Paper No. CB(2)1889/04-05(05)];
- (i) Administration's paper entitled "Occupational Safety Performance of Hong Kong in 2005" for the meeting of the Panel on Manpower on 15 June 2006 [LC Paper No. CB(2)2324/05-06(07)];
- (j) Administration's paper entitled "Hong Kong's Occupational Safety Performance in the First Half of 2006" for the meeting of the Panel on Manpower on 21 December 2006 [LC Paper No. CB(2)672/06-07(04)];
- (k) Administration's paper entitled "Hong Kong's Occupational Safety Performance in 2006" for the meeting of the Panel on Manpower on 21 June 2007 [LC Paper No. CB(2)2173/06-07(05)];

- (l) Administration's paper entitled "Policy Initiatives of the Labour and Welfare Bureau for 2007-08" for the meeting of the Panel on Manpower on 18 October 2007 [LC Paper No. CB(2)40/07-08(02)];
- (m) Administration's paper entitled "Hong Kong's Occupational Safety Performance in the First Half of 2007" for the meeting of the Panel on Manpower on 20 December 2007 [LC Paper No. CB(2)628/07-08(03)];
and
- (n) Administration's paper entitled "Hong Kong's Occupational Safety Performance in 2007" [LC Paper No. CB(2)2647/07-08(01)].

The above minutes and papers are also available on the website of the Legislative Council (<http://www.legco.gov.hk>).