

**Occupational Safety and Health (Headquarters)
Labour Department**

勞工處職業安全及健康（總部）

Your reference 來函編號：

Our reference 本處檔案編號： LD CR 1/814

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24 July 2013

Miss Betty MA
Clerk to the Panel on Manpower
Legislative Council
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Miss MA,

Reply to the Panel on Manpower on follow-up actions required

The Panel on Manpower discussed the situation of the occupational safety in Hong Kong at the meeting on 18 December 2012. The Administration would like to reply to the Panel on the follow-up actions pursuant to the meeting in the ensuing paragraphs.

(a) whether inspections had been conducted by relevant departments to assess the air quality of public buses in service

The Labour Department (LD) conducted spot checks in public buses running different routes at the peak hours to measure the carbon dioxide concentration in the driving cabin. The results showed that the carbon dioxide level in the driving cabin complied with the relevant standard of Occupational Exposure Limit, and hence it should not cause significant health risks to the drivers.

(b) details of the merit and demerit system for public works contractors, in particular the weighting on accident rates when evaluating the tenderers' past performance under the tender assessment system

The Administration has adopted a number of measures to drive public works contractors to enhance their site safety level: through the Pay for Safety and Environment Scheme, contractors executing specified safety items under public works contracts will receive related payments; when conducting regular assessment on contractors, their safety performance is one of the factors to be considered; in the assessment of public works tenders, past accident rates and safety performance of tenderers can affect their chance of winning the tender; and regulating actions, including voluntary suspension of tendering for one to twelve months, can be imposed on Approved Contractors for Public Works who had serious safety incident happened on site or with repeated violation of site safety related legislation. Regarding the weighting of tenderers' past accident rates and safety performance in the assessment of tender for public works contracts, details are as follows:

- When a tender for public works contract is assessed using the “Marking Scheme”, a mark will be given under the technical score according to past accident rates of tenderers in public works contracts. The highest mark will not be more than 2.5% of the total technical score.
- Furthermore, engineers/architects responsible for managing public works contracts are required to assess the performance of their contractors normally at quarterly interval. Site safety is one of the aspects to be assessed. Tenderers bidding for public works contracts will get a mark according to their past performance in the site safety aspect in public works contracts. The better the past assessment in this aspect of a contractor, the higher mark it will get and so is its chance of winning the bid.

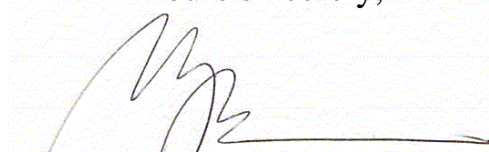
(c) *the number of prosecution instituted against employers for not reporting cases of occupational injuries and industrial accidents at workplaces*

Section 15 of the Employees' Compensation Ordinance (ECO) stipulates that an employer must notify the Commissioner for Labour of any work injury or prescribed occupational disease within a specified period in a prescribed form. LD has been reminding employers from time to time of their statutory duty to report work injuries, deaths and prescribed occupational diseases within specified periods through the mass media, display of advertisement on public transport, distributing booklets/posters and conducting seminars, etc. In addition to publicity and public education, LD also steps up the enforcement work. If there is sufficient evidence, LD will take out prosecution against employers for failure to meet this legal requirement and the maximum fine is \$50,000.

In 2010-2012, the number of summonses heard and convicted in respect of employers' failure to notify the Commissioner for Labour of work injuries within specified periods in prescribed forms according to ECO is as follows:

	2010	2011	2012
Total no. of summonses heard	7	9	4
Total no. of summonses convicted	5	6	2

Yours sincerely,



(LIANG Lok-man)
for Commissioner for Labour