

**立法會**  
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**Panel on Manpower**

**Updated background brief prepared by the Legislative Council Secretariat  
for the meeting on 15 April 2014**

**Work safety in the construction industry**

**Purpose**

This paper highlights the major views and concerns of members of the Panel on Manpower ("the Panel") on work safety in the construction industry in Hong Kong since the Fourth Legislative Council ("LegCo").

**Background**

2. Statutory provisions regulating work-at-height safety on construction sites are set out under the Factories and Industrial Undertakings Ordinance (Cap. 59), the Construction Sites (Safety) Regulations (Cap. 59I), the Factories and Industrial Undertakings (Suspended Working Platforms) Regulation (Cap. 59 sub. leg. AC), and the Occupational Safety and Health Ordinance (Cap. 509) ("OSHO").

3. According to the Administration, construction activities by nature involve higher risks of accidents. The construction industry recorded the highest number of fatalities and accident rate among all industries, and the number of industrial accidents in the sector increased to 3 160 in 2012, 1.5% up when compared with 3 112 in 2011. Although the accident rate per 1 000 workers decreased from 49.7 to 44.3 over the same period, the number of fatalities in the construction sector rose from 23 in 2011 to 24 in 2012.

**Deliberations of the Panel**

4. The Panel has monitored closely the issue of work safety in the construction industry. The major views and concerns of members are summarised below.

## Safety performance of the construction industry

5. Members noted with concern that the construction industry recorded the highest number of fatalities and accident rate among all industries, with continuous increase in the number of fatalities in recent years. In response to members' queries on the effectiveness of preventive and enforcement measures adopted in ensuring the occupational safety of construction workers, the Administration pointed out that the construction industry was a high-risk sector, accounting for a large proportion of the more serious industrial accidents. In this regard, the Labour Department ("LD") had proactively strengthened cooperation with the Development Bureau ("DevB") and relevant departments to ensure proper attention to safety issues and due consideration of the occupational safety and health ("OSH") requirements from the design stage to every subsequent stage of project implementation and delivery.

6. In the light of commencement in sequence of major infrastructure projects, some members expressed concern that such works would put great pressure on the resources and manpower in the industry, and consequently at the expense of safe work practices. LD was called upon to conduct more workplace inspections on construction sites to ensure compliance with the OSH legislation and deter unsafe work practices. The Administration advised that LD had established dedicated teams to step up inspection and enforcement action, urging contractors to implement safety management systems on construction sites and integrate OSH elements into their method statements through participating in their project preparatory meetings and site safety management committee meetings. This apart, LD would continue to collaborate with the industry stakeholders to conduct publicity and promotional activities with a view to promoting safety awareness among construction workers.

7. Members were advised that to further enhance the control of public works contractors on site safety, every works department had set up a dedicated committee and conducted regular meetings with their public works contractors to review their safety performance. If an upward trend in the number of accidents in individual contracts was observed, the public works contractors would be requested to submit improvement plans. In addition, DevB had adopted various initiatives to control the safety performance of the public works contractors. For instance, since 2010 all frontline supervisors engaged in public works contracts were required to attend the "Construction Safety Supervisor Course" to acquire sufficient safety knowledge. Under the merit and demerit system, contractors having low accident rates might have higher chance in winning a public workers tender. Another key initiative was the introduction of "Pay for Safety Scheme" to separate the safety provisions from the competitive bidding through the inclusion of a set of independent and pre-priced safety items in the tender documents.

### Work-at-height safety

8. Members noted with concern that among the 24 cases of construction fatalities recorded in 2012, 12 cases involved work-at-height of which about 40% related to workers falling from bamboo scaffolds or A-shaped ladders. It was also noticed that in around one-third fall-from-height fatal accidents, workers had fallen from places of work of less than two to three meters high.

9. Members were advised that LD would continue to seek improvements in work-at-height safety in the construction industry in close partnership with relevant stakeholders, including the Occupational Safety and Health Council ("OSHC"), the Construction Industry Council ("CIC"), trade associations, labour unions and professional bodies as well as other government bureaux/departments. Specifically, LD and OSHC jointly held a "Construction Safety Forum" in 2012 to explore means to enhance construction safety and launched the "OSH Star Enterprise - Pilot Scheme on RMAA (repair, maintenance, alternation and addition) Safety Accreditation" ("the Pilot Scheme") to provide accredited enterprises with subsidies on safety related assessment, training and equipment as well as premium discount for procuring employees' compensation insurance under the Employees' Compensation Insurance Residual Scheme. As at April 2013, 60 small-and-medium-sized enterprises ("SMEs") had enrolled in the Pilot Scheme with their savings in premium ranging from \$300,000 to \$600,000 each year. Furthermore, a "Work-at-Height Safety Forum" had been organised in late April 2013 and a new sponsorship scheme would be launched for SMEs to purchase mobile working platforms.

### Training on occupational safety

10. To further reduce the number of industrial and occupational accidents, some members considered that training on occupational safety should be provided for new entrants to the construction industry. The Administration advised that construction workers were required to complete the Mandatory Basic Safety Training (Construction Work) course (commonly known as the "Green Card" course) before commencing work. In addition, the Hong Kong Construction Association and the Hong Kong General Building Contractors Association were mobilising their members to participate in the "Caring of new construction workers" programme under which new workers were identified with the label of "P" (i.e. Probationer) for those who newly joined the industry or "N" (i.e. Newcomer) for those who were new to a construction site. Contractors would assign mentors and provide basic induction safety training to workers who newly joined the industry. For South Asian construction workers, promotional leaflets in different ethnic languages with clear and easy to understand pictorial aids would be used to enhance their OSH awareness.

11. Concern was also raised as to whether the Contractor Cooperative Training Scheme ("CCTS"), which allowed contractors to recruit construction workers first and then provide them with training afterwards, had attributed to the considerable number of industrial accidents. The Administration advised that under CCTS, mentors had been assigned to provide on-site training and OSH knowledge according to a specified ratio of mentor to newcomers.

#### Safety of electrical works and prevention of heat stroke

12. Responding to members' concern about fatal accidents involving electrocution in the construction industry, the Administration advised that LD had joined hands with the industry stakeholders and OSHC to organise a series of promotional activities as well as distribute publications on electrical works safety to stakeholders and issue safety alerts to registered electrical workers/contractors to promote electrical works safety. Furthermore, LD had stepped up inspections and enforcement actions on contravention of electrical safety regulations and conducted a joint blitz operation with the Electrical and Mechanical Services Department.

13. Another issue of concern of the Panel was the sudden death cases arising from heat stroke at construction sites. Members were advised that LD had stepped up inspections to construction sites and launch a series of publicity programmes, such as distributing heat stress assessment checklists and conducting promotional visits to worksites to introduce practical measures for preventing workers from heat stroke. Moreover, all construction sites would implement an additional rest break for bar-benders in the morning during the summer since 2013 to which due consideration would be given by CIC for extending such arrangement to all construction site workers. LD would also collaborate with OSHC to launch a pilot scheme to explore the feasibility of wider use of cooling vests on construction sites, tapping the positive result of the field tests on the suitability of cooling vests for construction workers.

#### Compliance of OSH requirements

14. According to the Administration, breaching OSHO would be liable to a maximum fine of \$500,000 and an imprisonment of 12 months. Both the principal contractors and sub-contractors of construction projects would be liable to prosecution if there was sufficient evidence to substantiate their non-compliance with the OSH legislation. Besides, employers were obliged to take out employees' compensation insurance to cover their liabilities under the law and to report work injuries to LD.

15. There was a view that the substantial increase in the numbers of suspension notices ("SNs")/improvement notices ("INs") issued and prosecutions instituted had indicated that the Administration's strategy of improving safety through the self-regulation of contractors and employers in

safety management failed to work effectively. Some members also queried the effectiveness of on-site safety officers in reporting contractors' non-compliance with OSH requirements while they were the employees of construction contractors.

16. The Administration advised that there was an increase in the numbers of SNs/INs issued and prosecutions instituted simply because when officers of LD conducted special enforcement campaigns, they would, upon discovery of unsafe activities or conditions that might cause imminent risks of death or serious bodily injury, issue SNs/INs or take prosecution actions without warning in advance. Regarding the effectiveness of on-site safety officers, LD would discuss with the stakeholders the viability of introducing penalty for breaching the code of practice for safety practitioners which was being prepared by the professional federation with an aim to enhancing the independency of on-site safety officers.

### **Relevant papers**

17. A list of the relevant papers on the LegCo website is in the **Appendix**.

Council Business Division 2  
Legislative Council Secretariat  
10 April 2014

**Relevant papers on  
Work safety in the construction industry**

<b>Committee</b>	<b>Date of meeting</b>	<b>Paper</b>
Panel on Manpower	21.1.2009 (Item III)	<u>Agenda</u> <u>Minutes</u>
Panel on Manpower	16.7.2009 (Item II)	<u>Agenda</u> <u>Minutes</u>
Panel on Manpower	22.10.2009 (Item III)	<u>Agenda</u> <u>Minutes</u>
Panel on Manpower	21.1.2010 (Item III)	<u>Agenda</u> <u>Minutes</u>
Legislative Council	5.5.2010	<u>Motion on "Medical check-ups for professional drivers"</u>
Legislative Council	12.5.2010	<u>Motion on "Protecting the safety and health of employees at work in inclement weather"</u>
Legislative Council	19.5.2010	Motion on "Reviewing occupational safety and health and employees' compensation system"
Panel on Manpower	20.5.2010 (Item IV)	<u>Agenda</u> <u>Minutes</u>
Legislative Council	2.6.2010	<u>Official Record of Proceedings</u> <u>(Question 8)</u>
Panel on Manpower	20.1.2011 (Item IV)	<u>Agenda</u> <u>Minutes</u>

<b>Committee</b>	<b>Date of meeting</b>	<b>Paper</b>
Panel on Manpower	17.6.2011 (Item IV)	<u>Agenda</u> <u>Minutes</u>
Legislative Council	6.7.2011	<u>Official Record of Proceedings</u> <u>(Question 2)</u>
Legislative Council	19.10.2011	<u>Official Record of Proceedings</u> <u>(Question 7)</u>
Legislative Council	14.12.2011	<u>Official Record of Proceedings</u> <u>(Question 1)</u>
Legislative Council	11.1.2012	<u>Official Record of Proceedings</u> <u>(Question 10)</u>
Legislative Council	28.3.2012	<u>Official Record of Proceedings</u> <u>(Question 11)</u>
Panel on Manpower	20.6.2012 (Item V)	<u>Agenda</u> <u>Minutes</u>
Panel on Manpower	11.7.2012 (Item IV)	<u>Agenda</u> <u>Minutes</u>
Panel on Manpower	18.12.2012 (Item IV)	<u>Agenda</u> <u>Minutes</u>
Panel on Manpower	16.4.2013 (Item V)	<u>Agenda</u> <u>Minutes</u>

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