

# 立法會 *Legislative Council*

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## **Panel on Manpower**

**Updated background brief prepared by the Legislative Council Secretariat  
for the meeting on 17 June 2014**

### **Occupational safety performance in Hong Kong**

#### **Purpose**

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

#### **Background**

2. According to the Administration, the number of occupational injuries<sup>1</sup> decreased from 42 022 in 2003 to 39 907 in 2012, representing a drop of 5% in the past decade. The number of industrial accidents<sup>2</sup> also decreased from 17 249 in 2003 to 12 547 in 2012, down by 27.3%. The number of industrial accidents for all sectors in the first half of 2013 was 5 669, representing a drop of 7.7% over 6 145 in the same period of 2012. The accident rate per 1 000 workers also decreased by 9.9%, from 20.9 to 18.8 during the period. Most of the accidents, except those of the construction industry and manufacturing industry, were of minor nature and mainly due to "slip, trip or fall on the same level" and "incorrect manual lifting or carrying".

#### **Deliberations of the Panel**

##### Safety performance of the construction industry

3. Members noted with concern that the number of fatal construction accidents had increased from nine cases in 2010 to 24 in 2012, and that 10 fatal

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<sup>1</sup> Occupational injuries refer to injury cases in workplaces reported under the Employees' Compensation Ordinance, resulting in death or incapacity for work of over three days.

<sup>2</sup> Industrial accidents refer to injuries and deaths arising from industrial activities in industrial undertakings as defined under the Factories and Industrial Undertakings Ordinance.

accidents were recorded in the first quarter of 2014. In the light of commencement in sequence of major infrastructure projects and a large number of maintenance works projects for old buildings, 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. Members called upon the Labour Department ("LD") to conduct more workplace inspections to construction sites to induce compliance with the occupational safety and health ("OSH") legislation and deter unsafe work practices.

4. According to the Administration, the construction industry was a high-risk sector, accounting for a large proportion of the more serious industrial accidents. LD had established a special team 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. The Administration further advised that the Factories and Industrial Undertakings (Safety Management) Regulation (Cap. 59 sub. leg. AF) required specified factories and industrial undertakings, employing 100 or more workers, to develop and implement a safety management system, including the establishment of a safety committee. In addition, LD adopted a new enforcement mode under which surprise detailed site inspections, which lasted for six to seven hours on each occasion, to construction sites of large-scale infrastructure projects would be conducted. The Administration stressed that LD would take immediate enforcement actions without prior warning on discovery of breaches of safety legislation as well as initiate prosecutions and issue suspension notices and improvement notices where any activity at the workplace would cause, or was likely to cause, an imminent risk of death or serious bodily injury to workers.

5. To enhance the control of public works contractors on site safety, the Development Bureau had introduced a series of additional measures including a pre-warning system whereby directorate officers of works departments would interview senior management of their public works contractors and request them to submit improvement plans whenever there was an upward trend in the number of accidents in individual contracts. Moreover, a merit and demerit system was put in place to control the safety performance of public works contractors. The past performance and accident rates of contractors would be taken into account under the current tender assessment system for public works contracts. Consequent upon the safety measures in place, the accident rate in public works projects was all along lower than the overall accident rates of the construction sector.

6. 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 receive safety training and complete the Mandatory Basic Safety Training (Construction Work) course (commonly known as the "Green Card" course) before commencing work. In addition, LD had since July 2012, in collaboration with the Hong Kong Construction Association and the Hong Kong General Building Contractors Association, launched a programme named "Caring of new construction workers" for taking greater care of and providing basic induction training to new workers. A similar arrangement had been incorporated into the safety regulatory system of public works contractors.

7. Members also noted with concern that a significant number of new entrants to the construction industry were ethnic minorities ("EMs") who might not have received adequate training and encounter communication problem at work. The Administration advised that LD had prepared promotional leaflets and posters with simple and easy-to-understand pictorial aids which were printed in different ethnic languages. In addition, LD in collaboration with labour unions in the construction industry organized outreaching seminars at construction sites to deliver OSH message to EMs.

#### Safety of repair, maintenance, alteration and addition ("RMAA") works

8. Another issue of concern of the Panel was the increase in the number of accidents related to RMAA works. Given that RMAA works were expected to grow phenomenally with the implementation of the mandatory building inspection and window inspection schemes and the provision of government subsidies for owners of dilapidated buildings to carry out building repair and maintenance works, some members considered that the Administration should conduct more regular inspections, apart from surprise inspections, to workplaces to ensure RMAA works contractors' compliance with relevant safety legislation. Some members also took the view that a heavier penalty should be imposed for repeated non-compliance in order to achieve greater deterrent effect.

9. The Administration advised that more than half of the construction fatal accidents were related to fall of persons from height. Of these accidents, about 20% involved workers falling from bamboo scaffolds and 20% falling from 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 metres high. LD in collaboration with the Occupational Safety and Health Council ("OSHC") would organize a "Work-at-Height Safety Forum" to explore with the industry measures to enhance work-at-height safety. In addition, a new sponsorship scheme would be launched for small-and-medium-sized enterprises to purchase mobile working platforms to further enhance work-at-height safety.

10. Members were also advised that to address the sector-specific problem, LD in collaboration with OSHC had launched the "OSH Star Enterprise - Pilot Scheme on RMAA Safety Accreditation" for the renovation and maintenance industry with focus on the high-risk bamboo scaffolding sector. Apart from providing free training and subsidy to purchase fall arresting devices and related equipment, accredited contractors could enjoy premium discount when procuring employees' compensation insurance under the Employees' Compensation Insurance Residual Scheme.

#### Electrical works safety

11. In response to members' concern about fatal accidents involving electrocution in the construction industry, the Administration advised that in many electrocution accidents workers had been performing electrical works at suspended ceiling or under humid weather. LD, the industry stakeholders and OSHC had jointly organized a series of electrical works safety promotional activities to raise the alertness of electrical contractors and workers. 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. Members were advised that through concerted efforts of the industry stakeholders and the Administration, the trend of electrocution accidents was curbed by the end of 2012.

#### Occupational safety under hot or inclement weather

12. Noting that most of the reported cases of heat stroke occurred while at work in construction sites, driving public buses and performing outdoor cleaning and that some of those in construction sites involved sudden death of construction workers, members were concerned about the Administration's plan on heat stroke prevention especially in the construction sites. There was a suggestion that the general duty should include suspension of work under extremely hot weather in order to ensure the safety of workers.

13. According to the Administration, the number of reported cases of heat stroke at work had been decreasing. It was attributable to the taking of preventive measures, including inspections to workplaces with high heat stress such as construction work and container handling and the launching of a pilot scheme of providing a 15-minute rest break for bar-benders in the mornings since the summer of 2011 in a number of participating sites. There was a suggestion that such an arrangement should be extended to all other construction workers. The Construction Industry Council had published a set of updated guidelines in 2013, recommending the industry to give an extra 15 minutes rest break every morning for construction workers in May to September every year. In addition, LD in collaboration with OSHC launched the

"Cooling Vest Promotion Pilot Scheme" in the summer of 2013 to test out the feasibility of using cooling vests in the construction, outdoor cleansing, horticulture, and catering industries as well as airport ramp cargo handling work.

14. As to whether suspension of work was necessary under very hot weather, the Administration advised that it would depend on the circumstances. The concept of general duty followed a common sense approach under which a reasonable person was expected to deal with a matter in a reasonable manner having regard to the circumstances surrounding the case. The employers' associations of the construction industry had taken action to inform the media about the provision of rest breaks to construction workers working in hot weather as appropriate. As the construction process involved a number of inter-related steps, the delay of one step might affect the entire process. Suspension of work on a continuous basis, say, two to three consecutive days due to very hot weather warning announced by the Hong Kong Observatory, would affect not only the construction schedule but also the livelihood of construction workers who were paid on a daily basis.

#### OSH of professional drivers

15. Arising from the occurrence of some serious traffic accidents involving professional drivers in recent years, members were concerned about OSH of professional drivers. Some members took the view that the coverage of OSO should be extended to professional drivers to enhance their occupational safety.

16. The Administration advised that it had reviewed the existing legislation relating to professional drivers. In view of the scope of the provisions of Road Traffic Ordinance (Cap. 374) ("RTO"), which covered road safety issues concerning all drivers (including professional drivers), OSO did not cover the driver's seat of a vehicle. The Administration pointed out that it was difficult for employers of professional drivers to fully ensure the occupational safety of drivers while they were driving, as drivers' driving attitude, road conditions and the behaviour of other road users were beyond their control in a reasonably practicable manner. However, OSO safeguarded employed drivers' OSH while they were carrying out non-driving work. Nonetheless, the Administration would revisit the coverage of OSO and revert to the Panel on the review findings.

17. To facilitate monitoring of the occupational safety performance of professional drivers, some members held the view that LD should keep separate statistics on the occupational injuries and fatal accidents involving professional drivers while performing driving duties. The Administration advised that employers were required under the Employees' Compensation Ordinance (Cap. 282) to report occupational injuries to the Commissioner for Labour in a

prescribed form which provided the raw data for the statistics on occupational injuries. Members' suggestion would be relayed to LD's Employees' Compensation Division to study the viability of including information relating to professional drivers in the prescribed form.

### **Relevant papers**

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

Council Business Division 2  
Legislative Council Secretariat  
11 June 2014

**Relevant papers on  
Occupational Safety Performance in Hong Kong**

<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 (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> (Question 2)
Legislative Council	19.10.2011	<u>Official Record of Proceedings</u> (Question 7)
Legislative Council	14.12.2011	<u>Official Record of Proceedings</u> (Question 1)
Legislative Council	11.1.2012	<u>Official Record of Proceedings</u> (Question 10)
Legislative Council	28.3.2012	<u>Official Record of Proceedings</u> (Question 11)
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	25.1.2013 (Item V)	<u>Agenda</u> <u>Minutes</u>
Panel on Manpower	16.4.2013 (Item V)	<u>Agenda</u> <u>Minutes</u>
Panel on Manpower	19.11.2013 (Item V)	<u>Agenda</u> <u>Minutes</u>
Panel on Manpower	17.12.2013 (Item V)	<u>Agenda</u> <u>Minutes</u>



<b>Committee</b>	<b>Date of meeting</b>	<b>Paper</b>
Panel on Manpower	15.4.2014 (Item IV)	<u>Agenda</u>

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