

立法會 *Legislative Council*

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Panel on Manpower

Background brief prepared by the Legislative Council Secretariat for the meeting on 18 November 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 injuries¹ decreased from 42 022 in 2003 to 38 027 in 2013, representing a drop of 9.5% in the past decade. The number of industrial accidents² for all sectors decreased from 12 547 in 2012 to 11 820 in 2013, down by 5.8%. The accident rate per 1 000 workers recorded a drop of 7.8%, from 21.3 in 2012 to 19.6 in 2013. Most of the accidents, except those of the construction industry and container handling industry, were of minor nature and mainly due to "slip, trip or fall on the same level" and "incorrect manual lifting or carrying". As at the end of May 2014, 15 industrial fatalities were recorded and 12 of which occurred at construction sites. As for the container handling industry, there was one industrial fatality in 2013 whilst there were three reported cases as at the end of May 2014.

¹ 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.

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

Deliberations of the Panel

Safety performance of the construction industry

3. Noting the high fatality of industrial accidents in the construction industry over the years, members were concerned about the effectiveness of counter-measures taken by the Administration to safeguard construction workers' occupational safety. In the light of commencement in sequence of major infrastructure projects, such as the five new railway projects under construction, 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 ensure 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. As regards site safety of public works projects, 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. A merit and demerit system was also 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. This apart, LD had held regular meetings with the MTR Corporation Limited to urge the contractors concerned to make improvements to site safety as necessary, in particular safety measures in undertaking tunnelling works and blasting.

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 Course (Construction Work) (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. Noting that a significant number of new entrants to the construction industry were ethnic minorities ("EMs"), members were concerned whether these workers had received adequate training and would 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 various 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 the 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. Thus, 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 - RMAA Safety Accreditation Scheme" 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.

Safety measures for container handling industry

11. Some members expressed concern about the measures in place to prevent industrial accidents of container handling activities and ensure the proper maintenance of machineries. The Administration advised that it had examined critically the circumstances and causes of the accidents, which were mainly systemic issues related to operation and maintenance of container handling plant and machineries, including risk assessment as well as communications among different responsible persons undertaking container handling in the work process. LD had communicated with the industry stakeholders and container terminal operators concerned and urged them to make necessary improvements so as to ensure safe operation in container terminals.

Electrical works safety

12. 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

13. Members had all along been concerned about OSH of employees working outdoor during hot summer and typhoon season, particularly workers of the construction and container handling industries. As some of the heat stroke cases at construction sites involved sudden death of construction workers, concern was raised about the Administration's preventive measures against heat stroke occurred in outdoor working environments. 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.

14. The Administration advised that it had enhanced the protection of employees from heat stroke and conducted large-scale inspections to workplaces during the hot months in the past couple of years. Specifically, LD had adopted a two-tier inspection mode whereby occupational safety officers ("OSOs"), who were provided with a checklist for heat stress assessment at workplaces, conducted inspections to workplaces of high-risk to heat stroke such as construction sites, container yards and outdoor cleansing workplaces, and assessed the risk of heat stress. OSOs would take immediate enforcement actions against inadequate preventive measures for heat stroke, including initiating prosecution or issuing warnings and improvement notices. They would refer doubtful cases to LD's occupational hygienists for in-depth study with the aid of appropriate equipment.

15. The Administration further advised that the Construction Industry Council had published a set of updated guidelines in 2013 recommending the construction 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 rolled out 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. As regards the container handling industry, LD conducted meetings with the management of container terminal operators in 2013 and urged them to draw up in advance appropriate work arrangements in times of typhoons and rainstorms. The industry had improved their "Guidelines on work arrangements under adverse weather conditions" for employees, clearly stipulating relevant preparation to be completed and the work procedures to be taken before and after the typhoon signal no. 8 was

hoisted respectively.

16. 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. Members' attention had been drawn to the fact that 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.

Relevant papers

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

Council Business Division 2
Legislative Council Secretariat
12 November 2014

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

Committee	Date of meeting	Paper
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	<u>Motion on "Reviewing occupational safety and health and employees' compensation system"</u>
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>

Committee	Date of meeting	Paper
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>

Committee	Date of meeting	Paper
Legislative Council	18.12.2013	Official Record of Proceedings (Question 13)
Legislative Council	8.1.2014	Official Record of Proceedings (Question 21 and 22)
Panel on Manpower	15.4.2014 (Item IV)	Agenda Minutes
Legislative Council	16.4.2014	Official Record of Proceedings (Question 6)
Legislative Council	30.4.2014	Official Record of Proceedings (Question 2)
Legislative Council	11.6.2014	Official Record of Proceedings (Question 1)
Panel on Manpower	17.6.2014 (Item V)	Agenda Minutes

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