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Panel on Manpower

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 16 June 2015**

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 performance in Hong Kong since the Fourth Legislative Council ("LegCo").

Background

2. According to the Administration, the number of occupational injuries¹ decreased from 44 025 in 2004 to 38 027 in 2013, representing a drop of 13.6% in the past decade. The number of industrial accidents² for all sectors decreased from 17 533 in 2004 to 11 820 in 2013, down by 32.6%. The number of industrial accidents for all sectors in the first half of 2014 was 5 463, representing a drop of 3.6% over 5 669 in the same period of 2013. The accident rate per 1 000 workers recorded a drop of 4.5%, from 18.8 in the first half of 2013 to 18 in the same period of 2014. 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".

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 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. 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.

6. To further reduce the number of industrial accidents, some members considered that training on occupational safety should be provided for new entrants to the construction industry, in particular ethnic minorities ("EMs") who might encounter communication problem at work. The Administration pointed out 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. The Administration further advised that LD had prepared promotional leaflets and posters with simple and easy-to-understand pictorial aids which were printed in various ethnic languages as well as organised outreaching seminars in collaboration with relevant labour unions at construction sites to deliver OSH message to EMs.

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

7. Given that RMAA works were expected to grow phenomenally with the implementation of the mandatory building inspection and window inspection schemes in 2012 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.

8. The Administration advised that more than half of the construction fatal accidents were related to fall of persons from height. To address the risk of work-at-height, a sponsorship scheme was launched in 2013 for the small and medium-sized enterprises to purchase mobile working platforms for replacement of folding step-ladders. LD and the Occupational Safety and Health Council ("OSHC") were considering how to improve the design of mobile working platforms so that they could be used at sites with space constraints.

9. 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 up to 50% when procuring employees' compensation insurance under the Employees' Compensation Insurance Residual Scheme. In addition, LD had, in collaboration with the Construction Industry Council ("CIC"), issued guidelines

and code of practice on the use of bamboo scaffolds for work-at-height and carrying out works at the external walls.

10. Given the small-scale of RMAA works and the difficulties in conducting inspections to the RMAA work sites, there was a view that a licensing scheme should be put in place to strengthen the regulatory efforts in enhancing the related work safety. According to the Administration, there were challenges of deterring work practices contravening work safety requirements in RMAA works given their scattered locations and short duration and high mobility of truss-out scaffolding works. LD had strengthened the liaison with other relevant bureaux/government departments and large housing estates on renovation works to be launched. LD officers would continue to conduct surprise inspections to RMAA work sites involving the use of truss-out scaffolds and other scaffolds during area patrols to deter unsafe work practices.

Safety measures for container handling industry

11. Some members were concerned about the measures in place to prevent serious industrial accidents of container handling activities. 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. These included risk assessment and 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.

12. Some members also expressed concern that LD's inspections to the container terminal yards were mostly conducted during daytime. It would therefore be difficult for LD's labour inspectors to fully assess the occupational safety performance in the industry which operated on a 24-hour basis. The Administration advised that LD officers would conduct surprise inspections to workplaces of different industries outside office hours where necessary to monitor employers' compliance with the labour legislation.

Industrial accidents in the food and beverage services sector

13. Noting that a considerable number of industrial accidents in the catering sector involved slip, trip or fall on same level at workplaces, members held the view that the industrial accident rate could be further reduced if the employers concerned could improve the occupational safety performance. The Administration pointed out that the number of industrial accidents in the food and beverage services sector had substantially reduced over the years, therefore

LD aimed to inculcate OSH culture in the catering industry, and to commend catering establishments, supervisors and workers with good OSH performance. Notably, LD and OSHC launched the "Outstanding OSH Restaurant - Pilot Scheme on Catering Safety Accreditation" for the catering industry in June 2013. The enterprises might also participate in the "Accreditation Scheme for Catering Establishments with 5S Good Housekeeping" in order to improve the workplace safety and tidiness and cleanliness standards. The awarded enterprises would be given an "Outstanding OSH Catering Restaurant Certificate", plus a subsidy up to \$5,000 for the purchase of slip resistant shoes and cut resistant gloves in compliance with the safety standards. Members also noted that as at October 2014, there were more than 800 catering establishments participating in the Scheme.

Occupational safety under hot or inclement weather

14. Members had all along been concerned about OSH of employees working outdoor during hot summer and typhoon season, particularly heat stroke cases 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.

15. 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.

16. The Administration further advised that CIC 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, following LD's meeting with the management of container terminal operators in 2013, the industry had improved the "Guidelines on work arrangements under adverse weather conditions" for

employees, which stipulated clearly relevant preparation to be completed and the work procedures to be taken before and after the typhoon signal no. 8 was hoisted respectively.

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 June 2015

**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
Panel on Manpower		LC Paper No. CB(2)1836/13-14(01)
Panel on Manpower	18.11.2014 (Item IV)	Agenda Minutes
Panel on Manpower	17.3.2015 (Item IV)	Agenda Minutes

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