

**Bills Committee on
Factories and Industrial Undertakings (Amendment) Bill 1999**

Summary of 15 written submissions received by the Bills Committee as at 23 April 1999

Name of organization	Summary of views	Paper No.
Hong Kong Confederation of Trade Unions	<ul style="list-style-type: none">- The authority and responsibilities of workers' representatives of the Safety Committee should be specified in line with International Labour Conventions;- To include provisions for civil remedies and re-instatement of worker representatives of the Safety Committee who are unfairly dismissed;- To add provisions allowing workers to refuse to perform duties which pose imminent danger to their lives and health and to report the situation to immediate supervisor or the workers' representative of Safety Committee.	CB(2)1029/98-99(01)
Construction Industry Training Authority	<ul style="list-style-type: none">- CITA <u>supports</u> the mandatory provisions of the Bill and the safety management system;- CITA is capable of providing a total of 50,000 places for the mandatory safety training for construction workers within the 14 months grace period;	CB(2)1716/98-99(01)

<p>Hong Kong Container Depot & Repairer Association Limited</p>	<ul style="list-style-type: none">- Suggest replacing “keeping or maintaining” by “maintenance or repair” in the definition of container handling (Clause 2(c) of the Bill);- Coverage of the definition of container handling should be clearly specified;- Should clarify whether the exempted category (industrial undertakings employing less than 50 workers) refers to an industrial/construction site or the whole company;- Requirements for employment of additional “safety officers” will be a burden on small enterprises;- Provision of exemption to temporary or relief workers in container handling industry under emergency situations;- The legislation should clearly define categories of workers in the container handling industry which are subject to the provisions of the Bill.	<p>CB(2)1716/98-99(02)</p>
<p>The Society of Accredited Safety Auditors Ltd</p>	<ul style="list-style-type: none">- For avoidance of conflict of interest, employers should not be allowed to appoint their employees to perform the duties of Registered Safety Auditor or Safety Review Officer;- To delete section (3) of Schedule 1 which allows a lower requirement for registration of Safety Auditor in the first six months of the commencement of the Schedule;	<p>CB(2)1716/98-99(03)</p>

	<ul style="list-style-type: none"> - Safety Review Officer should be Registered Safety Officers with at least two years experience; - Other comments on Regulations 11(1)(a), 15(2), 16(1)(d), 16, 17, 18, 26, 33(4) and Schedule 3. 	
<p>The Hong Kong Institution of Engineers</p>	<ul style="list-style-type: none"> - The institution <u>supports</u> the Bill; - Suggests – - (a) a more equitable split of responsibility between employers and workers in complying with the Regulations under the Bill; - (b) certificate renewal system; - (c) regularise relationship between the Buildings Dep’t and Labour Dep’t with regard to “Sites Safety Supervision”; - (d) better implementation of safety procedures for workers. - To clarify whether the definition of “construction work” in Schedule 4 covers activities conducted at places other than construction sites (if that is the case, more consultation with the industry is necessary); - Definitions of “relevant person” and relevant safety training course” should be set out in details. 	<p>CB(2)1716/98-99(04)</p>

<p>Society of Registered Safety Officers</p>	<ul style="list-style-type: none">- In general, the society supports the Bill; - Reservations about the effect of safety training on accident reduction as claimed by the Administration. Generally, companies with a strong commitment from the management to safety matters have less industrial accidents; public sector construction works have a better overall safety performance mainly because the contracts specify the safety requirements; - Questions whether the Administration considers the proposed mandatory safety training adequate and sufficient as far as compliance with Section 6A of F&IU on provision of training is concerned; - Suggests the legislation to allow other companies (with Safety Officers), trade unions and institutional organizations to run safety training courses for workers; - Suggests to include other business and undertakings such as hospitals, books, supermarkets, tertiary institutions and civil service under the safety management system; - Suggests recovery of the full medical costs of work accidents from the employers and contractors to achieve remarkable improvement in safety performance; - Eligibility for registration of Safety Auditor in Schedule 1 should include a five-year post-registration experience as a safety officer;	<p>CB(2)1716/98-99(05)</p>
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	<ul style="list-style-type: none">- Safety auditors should be appointed from outside the company/contractors;- Code of practice for Scheme Registration and relevant criteria for Scheme registration should be produced and publicised at least one year prior to the commencement of the Regulation.	
The Hong Kong Occupational Safety and Health Association	<ul style="list-style-type: none">- Imprisonment penalty for failure to comply with regulations should be deleted;- Characteristics of the construction industry such as multi-work locations, fluctuating workforce, large turnover of workers, etc should be taken into account when drafting the regulations;- Safety Auditor and Review Officer must not be an employee of the company and should declare interest before conducting the audit work;- <u>Not</u> agree to the grandfathers rule for safety auditor as provided in section (3) of Schedule 1;- The requirements for Safety Review Officer should be specified;- Since every audit or review report is a reveal of certain inadequacies in safety management, the production of such reports in court proceedings for failure to comply with safety regulations should not be required;	CB(2)1716/98-99(06)

	<ul style="list-style-type: none">- The requirement of giving notification to Commissioner for conducting safety audits under Clause 18 of F&IU (Safety Management) Regulation should be imposed upon the proprietor or contractor concerned and not the Registered Safety Auditor.	
Hong Kong Construction Association Ltd	<ul style="list-style-type: none">- <u>Supports</u> the Bill and the Regulations;- Companies employing registered safety officers should be allowed to conduct various safety training for workers (e.g. to allow contractors to run safety training courses for their workers);- Imprisonment penalty for failure to comply with regulations should be deleted;- The F & IU (Safety Management) Regulation should take into account the characteristics of the construction industry such as multi-work locations, fluctuating workforce, large turnover of workers, etc in the drafting to avoid ambiguity and misunderstanding;- The requirements for Safety Review Officer should be specified.	CB(2)1732/98-99(01)

Federation of Hong Kong Industries	<ul style="list-style-type: none">- Supports the proposal to stipulate a requirement for employers in the construction and container handling industries to only employ worker who have undergone safety training; - The requirement of a safety management system for manufacturing factories employing 50 or more workers is <u>not</u> necessary because -<ul style="list-style-type: none">(a) Manufacturing industry is predominantly light industries involving little or no use of heavy and hazardous machinery and the level of risk inherent in manufacturing jobs is not high;(b) There are safety requirements provided in the Occupational Safety and Health Ordinance and its subsidiary Regulations;(c) Costs incurred for implementation of the process elements under the Safety Management Regulation are substantial;(d) Systematic safety management is still a new concept to most local employers who generally do not possess the highly specialised knowledge and skills needed for its implementation;(e) The accident rate in the industry has dropped from 32.3 per 1 000 workers in 1987 to 21.5 in 1996.	CB(2)1732/98-99(02)
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Federation of Hong Kong and Kowloon Labour Unions	<ul style="list-style-type: none">- Supports the mandatory provisions of the Bill and the expansion of the regulation-making power of the Commissioner for Labour to introduce the proposed Safety Management Regulation;- Employers should be made responsible for arranging employees to attend the mandatory safety training and pay the costs incurred;- Employers should also be made responsible for arranging employees to attend the refresher course for renewal of “green card”;- The maximum penalty for forgetting to carry the green card while at work (\$10000) is too heavy and unfair to workers.	CB(2)1742/98-99(01)
Hong Kong Small and Medium Business Association	<ul style="list-style-type: none">- <u>Supports</u> the policy objectives in education and promotion of industrial safety among proprietors and employees rather than refinements to procedures of monetary compensation;- The regulatory power of C of L should be restricted to carrying out policy initiative to improve industrial safety but not that as much as to introduce measures and procedures which may only affect the efficiency of normal production operation without bringing in genuine remedies to the roots of industrial safety issues;- The size of the Labour Department should not expand as a result of implementing the provisions of the Bill;	CB(2)1742/98-99(02)

	<ul style="list-style-type: none">- It is crucial that the amendments should not bring in additional government charges and manpower costs for industrial enterprises;- An effective check and balance mechanism should be put in place for proprietors to file their complains in case of necessity; <p><u>Second Submission</u></p> <ul style="list-style-type: none">- In view of the high accident rate of the construction industry, the Association <u>supports</u> the proposed amendments in the Bill;- Manufacturing industry has a low accident rate and should <u>not</u> be subject to the proposed amendments.	CB(2)1757/98-99(02)
Hong Kong Federation of Trade Unions	<ul style="list-style-type: none">- <u>Supports</u> the Bill in general;- To improve occupational safety among employees, the mandatory safety training and the Safety Management Regulation should be extended to other industries;- Employers should arrange and pay for the safety training for employees who should be allowed to receive pay during training;- Labour Department should ensure the qualities of the safety training courses.	CB(2)1742/98-99(03)

<p>The Hong Kong General Chamber of Commerce</p>	<ul style="list-style-type: none">- <u>Supports</u> the passage of the Bill but has reservations on:<ul style="list-style-type: none">- timing of introducing the Safety Management Regulation in view of the economic downturn;- implementation of the Safety Management System and safety audits should be selectively applied;- In view of the fact that most industries in Hong Kong are operating to very high standards of safety, industrial undertakings other than construction sites should be exempted from the proposed Safety Management Regulation. Factories in particular should be exempted from the requirement.	<p>CB(2)1742/98-99(04)</p>
<p>Occupational Safety and Health Council</p>	<ul style="list-style-type: none">- Strongly <u>supports</u> the proposed mandatory safety training for persons employed in the Construction and Cargo and Container Handling industries;- The Public Register containing the names and addresses of the registered safety auditors should be published annually in Gazette and be made available under the homepage of the Labour Department, in compliance with the Personal Data (Privacy) Ordinance;	<p>CB(2)1757/98-99(01)</p>

	<p>- Members of the Disciplinary Board, who are serving the board as a public service, should be protected from any liabilities arising from discharging their duties and functions. If there is no relevant legislation under the F&IU or other legislation to cover their legal liabilities, a provision should be made under Part VI of the Regulation to clearly release their legal responsibilities arising from the Board's activities.</p>	
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Legislative Council Secretariat

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