

Second Submission of the Hong Kong Construction Association (HKCA) on the Factories and Industrial Undertakings (Safety Management) Regulation

1. In the first submission of the HKCA it said the imprisonment sentence of the proposed Regulation in failing to comply with these regulations will serve no useful purpose. It is also opposite to the “self regulatory” spirit of the Regulation. The Association proposed that financial penalty will suffice.
2. The Administration’s reply to this comment is: “The imprisonment terms in the Proposed Regulation only deals with the so-called ‘hardware’ requirements in implementing a safety management system, such as establishing of a safety committee, countersigning a safety audit report, etc. They do not touch on the performance in relation to the process elements in the system. We do not agree with the observation of these organisations.”
3. The HKCA does not agree with the Administration’s reply and is of the opinion that the reply has actually not answered its comment as stated again in (1) above. It argues that the failing to implement the so-called “hardware” requirements will not directly lead to accidents and the proposed imprisonment sentence is an overkill penalty.
4. Imposing harsh penalty for such relatively minor violations will not encourage the self-regulatory spirit of the Regulation. It will instead induce resentment of the construction industry to the Regulation and deteriorate the working relationships of the industry with the Administration to improve safety standard of the construction industry.