

立法會
Legislative Council

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by the Administration)

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**Subcommittee on
regulations relating to
occupational safety and health**

**Minutes of meeting
held on Tuesday, 8 December 1998 at 10:45 am
in Conference Room B of the Legislative Council Building**

Members present : Hon Andrew CHENG Kar-foo(Chairman)
Hon HO Sai-chu, JP
Hon Cyd HO Sau-lan
Hon Michael HO Mun-ka
Hon LEE Cheuk-yan
Hon Ronald ARCULLI, JP
Hon CHAN Wing-chan
Hon CHAN Kam-lam
Dr Hon LEONG Che-hung, JP
Hon LEUNG Yiu-chung
Dr Hon TANG Siu-tong, JP

Members attending : Hon CHAN Kwok-keung

Members absent : Hon TAM Yiu-chung, JP

Public Officers attending : Mr Herman CHO
Principal Assistant Secretary for Education and Manpower

Mr Franco KWOK
Assistant Secretary for Education and Manpower

Mr William SIU
Assistant Commissioner for Labour

Mr PANG Kwok-lam
Chief Occupational Safety Officer (Operations)

Mr G A FOX
Senior Assistant Law Draftsman

Ms Lonnie NG
Senior Government Counsel

Clerk in attendance : Mrs Sharon TONG
Chief Assistant Secretary (2)1

Staff in attendance : Mr Arthur CHEUNG
Assistant Legal Adviser 5

Ms Lolita NG
Senior Assistant Secretary (2) 5

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I. Confirmation of minutes of meeting held on 30 October 1998
(LC Paper CB(2) 788/98-99)

The minutes of the meeting held on 30 October 1998 were confirmed.

II. The Construction Sites (Safety) (Amendment) Regulation 1998 (the Amendment Regulation)

Meeting with representatives from the Hong Kong and Kowloon Painters
General Union (the Union)
(LC Paper CB(2) 582/98-99)

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2. Representatives of the Union briefed members as to how boatswain's chairs were used for painting external walls of buildings. They stressed that -

- (a) the use of boatswain's chairs, being a traditional skill in the construction sector, was cost-effective, time-saving, safe and useful for a wide range of works, particularly painting external walls of buildings such as public housing estates; and
- (b) boatswain's chairs workers had stable employment opportunities until the Labour Department (LD) issued suspension notices to 13 construction sites. Thereafter, the workers became unemployed.

3. As regards the operations of boatswain's chairs, Miss Cyd HO asked how boatswain's chairs workers were employed to work in construction sites. Mr HO Sai-chu enquired about the number of skilled workers and the training available for the workers. Mr CHAN Kwok-keung asked whether boatswain's chairs workers would be willing to accept a licensing system and whether they would agree to receive further training if necessary. Mr Ronald ARCULLI asked how long boatswain's chairs workers worked within one year. Mr LEE Cheuk-yan asked whether boatswain's chairs workers and suspended working platforms workers were of the same group of people. He enquired about the income of the workers and a comparison of occupational safety between boatswain's chairs and suspended working platforms. Mr CHAN Wing-chan enquired about the number of serious accidents that had occurred.

4. In response to members' questions in para. 3 above, the representatives of the Union made the following points -

- (a) There was a contractor system among boatswain's chairs workers. Before work commenced, equipment used by boatswain's chairs workers had to be confirmed to be safe by notaries. The contractors provided boatswain's chairs workers with ropes. Because of wear and tear, the ropes were usually replaced by contractors within three to four weeks ;
- (b) There were 500 - 600 boatswain's chairs workers in Hong Kong. Among them, some 200 persons worked on a full-time basis for external wall painting;
- (c) Boatswain's chairs workers were trained by apprenticeship. They were trained by experienced workers for six months to one year. Many young people, some aged 15 years old, had joined the trade;
- (d) Boatswain's chairs workers were willing to accept a licensing system. They agreed to receive further training and adopt more safety precautions if circumstances required. Being conscious of

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occupational safety, workers adopted safety measures, such as safety harness and safety helmet, before they worked on boatswain's chairs;

- (e) The Union requested that a grace period of one year be allowed before the Amendment Regulation came into operation;
- (f) Boatswain's chairs workers usually worked for about nine months within one year because no work could commence in rainy or typhoon seasons;
- (g) The wages of a boatswain's chairs worker and a suspended working platform worker were similar i.e. \$850 per day as set by the Union. As the cost of operation by suspended working platforms was higher than that of boatswain's chairs, contractors tended to employ less experienced workers at a lower wage of about \$200 - \$400 per day in order to reduce the cost of operation by suspended working platform;
- (h) The operations of boatswain's chairs were different from that of suspended working platforms. Work by boatswain's chairs could be finished within a short period of time, therefore, they were usually used for external wall painting. Suspended working platforms were largely used for work which lasted for a longer period of time, such as walls or windows cleansing and plaster works;
- (i) As boatswain's chairs workers knew their own equipment well and were used to operating the equipment manually, they had more confidence in operating boatswain's chairs than suspended working platforms. Hence, they felt that the safety level of boatswain's chairs was higher than that of suspended working platforms; and
- (j) No serious accidents involving the use of boatswain's chairs had occurred in the past 10 years.

5. The representatives of the Union further said that despite the implementation of the Construction Sites (Safety) Regulations (the existing Regulations) in 1984, boatswain's chairs could still be used in the construction sector. Now that boatswain's chairs was to be prohibited by the Amendment Regulation, had the Administration thoroughly implemented the existing Regulations, young workers would not have joined the trade and wasted their time.

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Meeting with the Administration
(LC Paper No. CB(2) 725/98-99(01))

6. Assistant Commissioner for Labour (AC for L) said that in accordance with regulation 38I(2) of the existing Regulations, the use of any boatswain's chair was prohibited for maintenance work at the external wall of the building except in some situations where the use of suspended scaffold was not practicable due to the structure of the building or the short duration of the job. On the other hand, regulation 38I(1) of the existing Regulations stated clearly what safety precautions should be taken for the use of boatswain's chair.

7. Chief Occupational Safety Officer (Operations) (COSO(O)) said that boatswain's chairs workers might have a false impression that boatswain's chairs were allowed to be used despite the coming into operation of the Existing Regulations since 1984. This was possibly because painting projects involving the use of boatswain's chairs lasted for one to three months. If the contractor did not notify LD, LD would not know that boatswain's chairs had been used.

8. AC for L further said that after the Amendment Regulation came into operation, boatswain chairs could only be used under the circumstances as mentioned in para. 6 above. Contractors had to apply to LD for use of boatswain's chairs in construction sites. Should applications be approved by Commissioner for Labour (C for L), LD officers would conduct site inspections to ensure the proper use of boatswain's chairs. In this way, the occupational safety in the construction sector could be improved.

9. Mr CHAN Wing-chan, Mr CHAN Kwok-hung and Mr CHAN Kam-lam opined that the use of boatswain's chairs in construction sites was cost-effective, efficient, flexible and useful. They noted that according to the statistics in the information paper, no fatal accident involving the use of boatswain's chairs had occurred in the past 10 years while there were several fatal accidents involving the use of suspended working platforms during the same period. They took the view that the use of boatswain's chairs was safe and in the absence of any fatal accident in the past decade, they did not support prohibiting the use of boatswain's chairs by amending the existing Regulations as such. They urged the Administration to reconsider the matter. They suggested the Administration to raise the existing safety standards and improve the occupational safety, instead of prohibiting the use of boatswain's chairs.

10. The responses of AC for L and COSO(O) were as follows -

- (a) Low fatalities or accident did not reflect the true risks facing workers working on boatswain's chairs. The safety record of the trade should be examined with consideration given to the number of workers being employed and the number of working hours involved. Since the operation of the existing Regulations, there had been a significant decrease in the number of boatswain's chairs workers, hence a reduction in the working hours. This

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also explained why there were less fatal accidents involving boatswain's chairs as compared with accidents involving suspended working platforms in the last 10 years. Given the larger number of workers working on suspended working platforms and the small number of fatal accidents, one should not compare the safety record between use of boatswain's chairs and suspended working platforms by number of accidents done.

- (b) Too many human factors affected the safety in the use of boatswain's chairs. Both the pulley system and the independent lifeline were affixed at same point usually at the roof top. The security of this kind of anchorage depended only on the experience and the subjective judgment of the worker who was setting up the equipment. Any error in the selection of the anchorage or in the way the suspension rope was affixed to the anchorage might result in failure of the whole system with serious consequences. Furthermore, the knots and hitches of the pulley system and the attachment of the independent lifeline to the anchorage depended on the skill of the worker. Any fault in the process might also cause serious consequences;
- (c) The Administration aimed to tighten the existing Regulations with a view to improving occupational safety in the construction sector. While the Amendment Regulation was to be applied to the construction sector across the board, blanket exemption for the use of boatswain's chairs would not be in line with the spirit and principle to further improve occupational safety in the construction sector;
- (d) Unlike suspended working platforms, boatswain's chairs were supported by one fibre rope. Lifeline would be the first line of defense if the rope failed. A suspended working platform was usually supported by two to four ropes and provided with a working stage fenced by guard rails. The guard rails were effective means to protect workers from falling off the stage. Fall arrestors installed on suspended working platforms could also prevent the platforms from over-speeding and falling out of control. Therefore, lifelines used by suspended working platforms workers were the last line of defense; and
- (e) The livelihood of the boatswain's chairs workers would not be jeopardized despite the implementation of the Amendment Regulation. They could perform painting work on suspended working platforms after attending a two-day course organised by the Construction Industry Training Authority (CITA). The daily wages for workers working on proper working platform on scaffold, in suspended working platform and on boatswain's chairs were roughly the same. There could be a balance between

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earning a living and improving occupational safety.

11. Mr CHAN Kwok-keung asked if the Administration would allow continuing use of boatswain's chairs if four ropes were used as in the case of suspended working platforms. COSO(O) responded that with secondary steel ropes installed, the mechanic design of suspended working platforms had ensured safety for the workers. Moreover, there were other safety requirements, including provision of lifelines and safety harness, a specified depth for the platform and restriction to the total number and weight of workers operating on the suspended working platforms, which were also effective in ensuring the safety of suspended working platforms.

12. Mr CHAN Wing-chan suggested that safety nets be provided underneath boatswain chairs in order to improve the occupational safety of the workers. Principal Assistant Secretary for Education and Manpower (PAS/EM) said that it was not viable to add a safety net underneath a boatswain's chair because of the design of modern buildings and the operational cost possibly incurred. Proprietors and contractors would find it less expensive to use suspended working platforms instead. In this conjunction, Mr HO Sai-chu proposed that the safety of using boatswain's chairs be examined by the Occupational Safety and Health Council, with reference to practice in the overseas.

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13. Mr CHAN Wing-chan commented that the Administration had not publicized regulation 38I(2) since the existing Regulations were introduced. COSO(O) responded that the Administration had consulted many organisations before the existing Regulations were passed. After the existing Regulations were in place, boatswain's chairs had not been used for repainting of government buildings, e.g. schools and multi-storey car parks, as in the past. Both the Public Works Department and the Housing Department (HD) were familiar with the existing Regulations.

14. Mr CHAN Wing-chan queried the Administration's rationale to amend the existing Regulations in the absence of any fatal accident in the past ten years. PAS/EM said that most industrial accidents happened in construction sites and that falling from height was the major factor for deaths and casualties in the trade. There were 2 983 and 3 458 accidents of falling from height in 1996 and 1997, resulting in 33 and 20 deaths respectively. He highlighted the following principles to improve occupational safety in the construction sector -

- (i) Working at height (i.e. of two metres or more) should be kept to the minimum. Where it was necessary for workers to work at height, the contractor had to provide proper working platforms;
- (ii) Should the provision of working platforms be not practicable, safety nets and safety belts/harnesses should be provided; and
- (iii) Should the provision in (ii) above be not practicable, safety nets and safety belts could be used on their own.

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15. PAS/EM further said that the Administration did not encourage the use of boatswain's chairs in construction sites. In the view of the Administration, the safety level of working on suspended working platforms was higher than that of boatswain's chairs. Should there be an accident, boatswain's chairs workers could only count on safety belts. Occupational safety in construction sites needed to be improved, hence the introduction of the Amendment Regulation. In this connection, the Labour Advisory Board had been consulted. The representatives of employers and employees were in support of the Amendment Regulation. He stressed that the boatswain's chairs workers would not become unemployed because they could work on suspended working platforms after attending a short course.

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16. As regards training, Mr Ronald ARCULLI wondered if boatswain's chairs workers could effectively operate suspended working platforms after attending a short course of two days. PAS/EM responded that the CITA's course aimed to train workers to operate suspended working platforms technically e.g. going up and down. The course also covered as to how safety precautions, such as safety harnesses and safety belts, could be taken. Mr Ronald ARCULLI requested and PAS/EM agreed to provide members with detailed information on the two-day course organised by CITA for training of boatswain's chairs workers to perform painting work on suspended working platforms.

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17. PAS/EM and AC for L said that due to the design of the data collection form, the number of injuries involving boatswain's chairs workers was not known. Dr TANG Siu-tong asked for the number of industrial accidents in which boatswain's chairs were used for painting the external hulls of ships. In response, AC for C said that LD had not kept such statistics but he could liaise with the Marine Department for the matter.

18. The Chairman was concerned about the present development of the matter relating to the 13 construction sites against which suspension notices were issued by LD. COSO(O) said that most of the projects involved the repainting of the external walls of Housing Authority (HA) estates. Up to the present moment, LD had cancelled the suspension notices for four of those construction sites. LD had liaised with HD and assisted the contractors concerned to find a reasonable and practicable work method to resume the repainting of the external walls of the housing estates. It had been agreed that in places where the use of suspended working platforms was not feasible, boatswain's chairs could still be used subject to strict safety requirements laid down by LD. In the longer term, after the estate repainting projects were completed before end-1998, HD would review its new contracts and require its contractors not to use boatswain's chair and to follow closely the safety guidelines issued by LD.

19. The Chairman suggested and COSO(O) agreed to continue liaising with HD with a view to resuming the repainting projects in those construction sites

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where suspension notices still prevailed.

20. Dr TANG Siu-tong was concerned about the criteria adopted by C for L in processing applications for exemption to use boatswain's chairs in construction sites. AC for L said that the environmental factor and practical need for the operation would be taken into account when processing the applications. COSO(O) added that in circumstances where suspended working platforms could not be used, LD would consider allowing the use of boatswain's chairs. For HA's projects, the works including wall repainting and painting were completed by phases. Now that LD and HD had worked out some principles for the use of boatswain's chairs, he believed that the same principles would be applied to process future applications.

21. Mr CHAN Kam-lam considered that given no appeal channel, it would be arbitrary for LD to disapprove applications for use of boatswain's chairs in construction sites. He reiterated that instead of prohibiting the use of boatswain's chairs, the Administration should strengthen the existing safety standards. PAS/EM reiterated that this was a matter of principle as the Administration intended to improve safety of working at height. It was not advisable to allow continuous practice of job types which were not safe. The use of boatswain's chairs was not as safe as suspended working platforms. There would be a double standard if the Administration allowed the use of boatswain's chairs without restriction while implementing the Amendment Regulation in the construction sector. This would contradict the spirit of occupational safety and the objective of the Amendment Regulation. The entire construction sector should comply with the Amending Regulation at the same time.

22. Referring to paras. 4 and 5(g) of the information paper, Miss Cyd HO asked as to how a fall would result in spinal injuries for a boatswain's chair worker. She requested for an elaboration as to how prolonged exposure might produce adverse chronic effect on the spine of a boatswain chair worker. She also queried if there was a problem of illegal child workers in the trade, given the earlier allegation of the Union's representatives that some young people below the age of 16 also worked as boatswain's chair workers. She suggested that the boatswain's chair workers be provided with training so that they could continue their trade in the construction sector.

23. COSO(O) responded that -

- (a) when falling from height, the sudden arrest of fall by the safety belt would apply great pressure to the spine, resulting in spine or back muscle injury;

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- (b) the seating board restricted the movement of a boatswain's chair worker and it was without back support. Prolonged exposure produced adverse chronic effect on the spine of the worker. Hence, the worker would sustain spinal injury if he kept on sitting in a boatswain's chair for a long period;
- (c) while there was no formal training for the boatswain's chair workers, LD would consider as to how training could be provided; and
- (d) LD would look into the matter concerning the alleged illegal child workers in the trade.

III. Date of next meeting

24. The Chairman suggested and members agreed that the next meeting on 10 December 1998 be cancelled. The Subcommittee would hold its next meeting on Monday 14 December 1998.

25. There being no other business, the meeting ended at 12:55 pm.

Legislative Council Secretariat
4 February 1999