

**The Administration's response
to the written submission from the
Hong Kong E&M Contractors' Association Ltd. (EMCA)
on the Construction Sites (Safety) (Amendment) Regulation (CSSR)**

The Administration notes that the EMCA holds a different view regarding the enforcement difficulty for a fixed penalty system against the construction workers. It should be noted that in the Administration's responses dated 20 January 1999 to issues raised by Subcommittee Members at the meeting on 11 January 1999, we have already set out the considerations on the feasibility of introducing a fixed penalty system for contravening industrial safety legislation. The views expressed by the EMCA in its written submission were similar to some of the feedback we received during the public consultation exercise on the Review of Industrial Safety in Hong Kong in 1995. After taken into account all views on the subject, the Administration decided not to introduce a fixed penalty system. As mentioned in our earlier response, the subject was revisited last year and the Administration concluded that the decision remained valid. Basically, the introduction of a fixed penalty system is not in tune with the Administration's new strategy in encouraging self-regulation by both the proprietors and workers in enhancing workplace safety through a safety management system.

The Administration has recently introduced the Factories and Industrial Undertakings (Amendment) Bill 1999 into the Legislative Council which, inter alia, requires mandatory safety training for all workers in the construction and container handling industries. It is hoped that upon the implementation of mandatory safety training, together with a new regulation on introducing a safety management system in selected industrial undertakings including construction sites, we can cultivate and instil a new safety culture amongst our construction workers as well as their employers.

Regarding the EMCA's view on prosecuting workers, we would like to point out that there are provisions in existing legislation for prosecuting workers for breaches of safety requirements. The Labour Department has been and will continue to enforce the relevant legislation and take out prosecutions against the workers concerned wherever necessary and appropriate.