

立法會
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**Paper for the House Committee meeting
on 12 November 1999**

**Report of the Subcommittee on
Factories and Industrial Undertakings
(Safety Management) Regulation**

Purpose

This paper reports on the deliberations of the Subcommittee on Factories and Industrial Undertakings (Safety Management) Regulation.

Background

2. The Secretary for Education and Manpower (SEM) earlier gave notice to move a motion on 27 October 1999 to seek the Council's approval of the Factories and Industrial Undertakings (Safety Management) Regulation (Regulation) made by the Commissioner for Labour under section 7 of the Factories and Industrial Undertakings Ordinance on 11 October 1999.

3. The Regulation provides for the introduction of a safety management system in selected industrial undertakings. The Administration proposes a grace period of 12 months before the Regulation, upon enactment, comes into effect.

The Subcommittee

4. At the House Committee meeting on 15 October 1999, Members decided to form a subcommittee to study the Regulation. SEM withdrew his notice for moving the related motion at the Council meeting on 27 October 1999.

5. A membership list of the Subcommittee is in **Appendix I**. Under the chairmanship of Hon LEE Kai-ming, the Subcommittee held a meeting with the Administration.

Deliberations of the Subcommittee

6. The main deliberations of the Subcommittee are summarized below.

Process elements

7. Members have noted the 14 key process elements of the safety management system proposed for Hong Kong. A brief description of these process elements, which are subject to regular audits or reviews, is in **Appendix II**.

8. The Administration has clarified that the Regulation will require contractors or proprietors of construction sites, shipyards, factories and other designated industrial undertakings with 100 or more workers, as well as construction projects with contract value of \$100 million or more, to adopt the first 10 of the 14 process elements of the safety management system and to carry out safety audits. Designated industrial undertakings are those involved in the generation and transmission of electricity, town gas or liquefied petroleum gas and in the handling of containers. Construction sites and industrial undertakings employing 50 to 99 workers each will be required to adopt the first eight of the 14 process elements of the safety management system and to carry out safety reviews.

9. While noting that industrial undertakings employing less than 50 workers will be exempted from the proposed safety management system, a member suggests that these industrial undertakings be required to adopt four core process elements at the initial stage.

10. The Administration has responded that a phased implementation of the process elements will be adopted so as to allow the industries being affected to get accustomed to the new system and to prepare for the additional elements. This will also allow sufficient safety practitioners and medical professionals to be trained to take up the additional functions. The Administration would review the implementation of the proposed safety management system one year after the Regulation has come into force to decide on the appropriate time to bring the remaining four elements into operation, as well as extending the requirement to industrial undertakings employing less than 50 workers. The Administration considers that it is not the appropriate timing to require these small industrial undertakings to comply with the Regulation having regard to the additional financial burden on them. Furthermore, the demand for safety review officers or safety auditors would significantly increase. The

Administration would strengthen educational and promotional efforts on safety management concept and practices to prepare the industrial undertakings employing less than 50 workers for implementation of the safety management system in future.

Safety auditors

11. In response to members' concern as to whether there will be sufficient qualified safety auditors for the purpose of the Regulation, the Administration has advised that a registration scheme for safety auditors will be implemented. A safety auditor must be a registered safety officer and has completed a course on safety audit. The relevant training courses are being offered by the Hong Kong Polytechnic University and City University of Hong Kong. The Administration envisages that sufficient qualified safety auditors are available in the market.

Effectiveness of safety management system

12. Regarding the effectiveness of the proposed safety management system in improving industrial accident rates, the Administration has advised that drawing experience from the United Kingdom, Australia and New Zealand, the industrial accident rates in these countries have reduced since the implementation of similar safety management system. The Administration believes that the implementation of the safety management system in Hong Kong would bring about improvements in industrial safety records.

13. A member has questioned whether it is necessary to cover the manufacturing sector under the Regulation as the accident rate in the manufacturing sector is much lower than that of the construction trade. The Administration has responded that there is a need to continuously enhance industrial safety given that there are still potential risks of industrial accidents in the manufacturing sector.

Recommendation

14. The Administration has agreed to incorporate some technical amendments to sections 15(2) and 21(2) of the Regulation. A revised version of the Regulation is in **Appendix III**.

15. The Subcommittee recommends that subject to the amendments, the Factories and Industrial Undertakings (Safety Management) Regulation be supported.

16. The Subcommittee notes that SEM has given notice to move a motion on 24 November 1999 to seek the Council's approval of the Regulation.

Advice sought

17. Members are invited to support the recommendation of the Subcommittee in paragraph 15 above.

Legislative Council Secretariat

10 November 1999

Appendix I

**Subcommittee on
Factories and Industrial Undertakings
(Safety Management) Regulation**

Membership List

Hon LEE Kai-ming, SBS, JP (Chairman)

Hon James TIEN Pei-chun, JP

Hon HO Sai-chu, SBS, JP

Hon Michael HO Mun-ka

Dr Hon LUI Ming-wah, JP

Hon Ronald ARCULLI, JP

Hon HUI Cheung-ching

Hon CHAN Wing-chan

Dr Hon LEONG Che-hung, JP

Hon YEUNG Yiu-chung

Hon CHOY So-yuk

Hon Andrew CHENG Kar-foo

Total : 12 Members

Date : 3 November 1999

Appendix II

Process elements of a safety management system

The following is a brief description of the 14 key process elements of the safety management system proposed for Hong Kong :

(i) *Safety policy*

The policy sets out in clear and unambiguous terms in writing the management's approach and commitment to safety and health. It includes the procedure for the communication, implementation and maintenance of the policy at all levels of the organisation. The policy should be reviewed periodically and amended as necessary.

(ii) *Safety organisation*

This element defines clearly the safety and health responsibilities of all levels of staff to ensure that safety and health commitments are being implemented. It also sees to it that sufficient manpower resources are provided to implement the management commitments and external assistance is acquired if necessary.

(iii) *Safety training*

Safety training equips personnel with the knowledge, skill and attitudes which will enable them to perform their duties in a safe manner. It includes procedures to ensure that all personnel, in particular new recruits and personnel transferred to new assignments, are given proper safety and health training relevant to their duties. It also includes programmes developed to identify training needs to ensure that appropriate training is provided to the personnel concerned.

(iv) *In-house safety rules*

This element is to provide all personnel with a common understanding of their obligations and responsibilities with respect to the achievement of safety management objectives. In-house safety rules and regulations should give clear instructions to personnel in all areas. Safety rules and regulations should be documented, reviewed and revised as necessary and communicated to all appropriate levels of the organisation.

(v) *Programme of inspection of hazardous conditions*

This programme provides or establishes procedure to identify hazardous conditions and their rectification. It includes planning and conducting of inspections, developing inspection

check-lists, recording all hazards and a scheme for preventive and immediate corrective actions.

(vi) *Personal protection programme*

This element is concerned with the use of personal protective equipment which comes in as the last line of defence after considering other control methods. It includes identifying actual or potential exposures to hazards, selecting suitable equipment to prevent or reduce the hazards, and ensuring the proper use of such equipment. The element also covers record keeping, enforcement of standards compliance, and regular monitoring of the programme.

(vii) *Accident/incident investigation*

An investigation provides a means to find out what has caused an accident and to develop arrangements to prevent recurrence. It includes reporting, recording and investigation of accidents, keeping of accident statistics, analysing accident causes and making recommendations to prevent recurrence. This element should include a scheme to ensure that recommendations are implemented promptly.

(viii) *Emergency preparedness*

This element is to develop and communicate plans which prescribe the effective management of emergency situations. It includes establishing procedures to identify, describe and respond to emergency situations, establishing a programme of drills and exercises to test and evaluate the preparedness for emergency actions, and establishing an effective programme to provide first-aid and emergency treatment to victims of an accident.

(ix) *Evaluation, selection and control of sub-contractors*

This element will ensure that sub-contractors are fully aware of their safety obligations and that only sub-contractors who can meet these obligations are employed. It includes clearly defining safety responsibilities and obligations of sub-contractors before they start work, making sub-contractors' personnel aware of safety rules and regulations and instructions and procedures for safe working practices, and establishing procedures to evaluate a sub-contractor's safety performance.

(x) *Safety committees*

This is a forum for persons with responsibilities for work safety and health to formally address issues and take appropriate actions in relation to the achievement of the safety management objectives. Its members should be able to represent all aspects

of the operation of the industrial undertaking or construction site and should be competent in their tasks. They should be committed to safety and health in the workplace, and given the necessary support so that they can effectively perform their duties. The decisions and actions proposed by the safety committee should be effectively communicated to those persons responsible for their implementation.

(xi) *Evaluation of job related hazards*

This element is to provide a means where job related hazards or potential hazards are identified and evaluated on which basis safety working procedures are to be developed. It includes training of personnel to perform the task, establishing and maintaining procedures to ensure that safe working practices so developed are followed, establishing and maintaining a list of all safe working procedures, and reviewing and evaluating safe work procedures periodically to ensure their relevance and appropriateness to the tasks being performed.

(xii) *Promotion of safety and health awareness*

The aim of this element is to develop a safety and health culture in the workplace. Activities employed may include display of the company safety policy, posters or other visual material, promulgation of safety performance statistics, and organisation of safety talks and video shows and award schemes to recognise and give credit to good safety performance by individuals, teams, sections, and departments of the organisation.

(xiii) *Programme for accident control and elimination of hazards*

This element is concerned with accident control and hazards elimination before workers are exposed to any adverse work environment. It includes formulation of policy on review of engineering projects at the conception and design stages, setting of parameters for processes and materials to take account of any changes and development of a regular monitoring mechanism.

(xiv) *Programme on protection of occupational health*

This programme should include regular monitoring, reduction of exposure through technological and administrative control measures, selection, provision and maintenance of suitable personal protective equipment and supervision of their use, pre-employment and periodic medical examinations of all exposed workers, and training and education of workers.