

**Information Paper for the
Legislative Council Panel on Manpower
Meeting on 30 March 2000**

**Factories and Industrial Undertakings
(Safety Officers and Safety Supervisors) (Amendment) Regulation**

INTRODUCTION

This paper seeks to inform Members of the Administration's plan to amend the Factories and Industrial Undertakings (Safety Officers and Safety Supervisors) Regulation (SOSSR). We propose to -

- (a) extend to the container handling industry the requirement to employ registered safety officers (RSOs) and safety supervisors;
- (b) empower the Commissioner for Labour (the Commissioner) to order by his discretion individual industrial undertaking of high risk to employ full time RSOs, irrespective of its employment size and trade; and
- (c) tighten the registration requirement for RSOs, enhance their professional status and augment their roles in implementing safety management systems.

BACKGROUND

2. At present, the SOSSR only requires contractors of construction sites and proprietors of shipyards to employ a safety supervisor if they employ 20 or more workers. They are required to employ a RSO as well if the employment size is 100 or more.

3. In the wake of a spate of serious industrial accidents in June 1996, the Administration convened a conference for some 400 safety and health practitioners to explore ways to improve occupational safety and health. The conference was concluded by suggestions, among other things, to enhance the professional status of RSOs and to review their roles, qualifications and training under the SOSSR.

4. In September 1996, the Labour Department undertook the review and conducted an opinion survey among RSOs, their employers and related organisations. Based on the results of the review and the survey, we propose to amend the existing SOSSR to impose management duties on RSOs so that they can more effectively assist in the implementation of a safety management system in their industrial undertakings. These duties will also enhance the professional status of the RSOs. With a view to enhancing occupational safety and health (OSH) in industrial undertakings, we also propose to extend the applicability of the SOSSR to the container handling industry and give the Commissioner the discretionary power to require an industrial undertaking to employ a full-time RSO.

PROPOSED AMENDMENTS

5. We propose to amend the SOSSR:

- (a) to specify the container handling industry as a trade to which the SOSSR is applicable and extend to it the requirement to employ RSOs and safety supervisors;
- (b) to empower the Commissioner to give order by his discretion to individual industrial undertaking of high risk to employ a full-time RSO, irrespective of its employment size and trade;

- (c) to add additional duties for RSOs;
- (d) to tighten the requirements of academic qualification and safety-related work experience for RSO registration and to recognise, for registration purpose, the academic qualifications only on the basis of their relevance to OSH;
- (e) to require that registrations for RSOs must be re-validated once every four years. To qualify for revalidation, an applicant must have completed not less than 100 hours of Continuing Professional Development (CPD) programmes in safety and health in the four years preceding his application; and
- (f) to repeal with immediate effect the "grandfather's clause", which allows persons with long service in the trade but who have not yet attained full qualifications to be registered under SOSSR, for the existing designated industries. For newly designated industries, this category of registration will be allowed for a period of 12 months.

REASONS FOR THE PROPOSAL

6. Reasons for proposing the amendments in paragraph 5 above are -

(a) Application to the container handling industry

The fatality rate in the container handling industry is unsatisfactory. There were altogether 13 fatal accidents between 1995 and 1998. The extension of the coverage of the SOSSR to

the container handling industry should help to improve its safety record.

(b) The Commissioner's discretionary power

The purpose of empowering the Commissioner with the discretionary power is to address the situation in some high-risk industrial undertakings, which are not normally required by law to employ RSOs. In exercising the power, the Commissioner will consider factors including the risks of the trade, the safety record of the industrial undertaking in question, records of prosecution and suspension notice and the management's attitude towards safety. The Safety Officer Advisory Committee¹ (SOAC) will be consulted as well.

(c) Additional duties for RSOs

We have been pursuing a self-regulatory approach in promoting occupational safety and health. In particular, we encourage the establishment of a safety management system in industrial undertakings. We propose to add additional duties for RSOs so as to enhance their involvement in devising and implementing the safety management system. The additional duties for RSOs would be consistent with the objective of the newly enacted Factories and Industrial Undertakings (Safety Management) Regulation, which specifies the 14 elements of a safety management system (Annex).

¹ SOAC is a committee constituted under section 4 of the SOSSR and comprises employer and employee representatives of the designated industries, representatives of RSO, training institutions and the Occupational Safety and Health Council. Its function is to advise the Commissioner for Labour on matters of the SOSSR, including the qualifications for registration of persons as safety officers; and the registration of persons as safety officers.

(d) New requirements for qualifications

We propose to tighten the requirements of academic qualification for RSO registration so that only those with appropriate and adequate training and work experience in OSH can qualify. We propose to require degree or post-graduate diploma holders to acquire OSH-related training; non-degree holders to have relevant experience of not less than 2 years (of which one year being post-qualification experience) before registration. We also propose to recognise tertiary qualifications, for registration purpose, based on their relevance to OSH studies in the course content.

(e) Requirement of re-validation

To keep abreast of the rapid development in the OSH profession, it is necessary for RSOs to refresh and update their professional knowledge. The requirement of re-validation would provide a strong initiative for RSOs to participate in continuous professional development.

(f) Repeal of the grandfather's clause

With a view of upgrading the qualification of the team of RSOs, the repeal of the grandfather's clause is necessary. Indeed, ample time has been given to safety officers concerned to apply for registration since the coming into effect of the SOSSR². Nevertheless, a grace period of one year will be given for safety

² The SOSSR, which was first applicable to construction sites, was enacted in 1986. Its coverage was extended to shipyards in 1994.

officers employed in newly designated industries.

SOCIAL AND ECONOMIC IMPLICATIONS

7. Extending the requirement to employ RSOs and safety supervisors to the container handling industry would not have a great impact on the industry. We understand that all the four major container handling depots in Kwai Chung, though not required by law, have already employed their own RSOs. Operators who have not employed RSOs or safety supervisors may have to do so if their depots fall within the scope of the Regulation as a result of the proposed amendment. This would generate a demand of RSOs and increase the overhead cost of depot operators. Judging by the number of RSOs on the register and safety officers being trained every year, we believe that the demand can be met. Also, the benefit of reducing injuries and property damage should outweigh the likely increase in cost.

8. The more stringent requirements for registration and revalidation will not lead to a shortage of RSOs in view of the large number of candidates undertaking training courses for safety officers. Instead, employers and RSOs will welcome the new system, which would upgrade the competency and professionalism of RSOs.

PUBLIC CONSULTATION

9. The Labour Department, based on the results of the review and survey mentioned in paragraph 4 above, published a consultation paper on 20 February 1997 to consult concerned employers and related organisations. The recommendations were generally supported.

10. The SOAC and the Committee on Occupational Safety and Health (COSHA) of the Labour Advisory Board (LAB) were consulted on 25 March

1997 and 3 April 1997 respectively. Both the SOAC and the COSH made a few comments but generally supported the proposals.

11. The Labour Department, taking into account the comments by the SOAC and the COSH, revised the proposal and consulted the LAB on 18 September 1997. All the proposals were supported by the LAB.

WAY FORWARD

12. We plan to introduce the regulation into the Legislative Council later this year. All the proposals will take immediate effect upon enactment, except that the container handling industry will be given a grace period of 12 months to prepare for the employment of RSOs. Guidelines will be provided and publicity will also be staged by the Labour Department.

Education and Manpower Bureau

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