

**Information Paper for the Legislative Council  
Manpower Panel Meeting  
on 27 January 2000**

**Occupational Safety and Health  
(Personal Protective Equipment) Regulation**

**Purpose**

This paper informs Members of the Administration's proposal to make a new Regulation under the Occupational Safety and Health Ordinance (OSHO) to establish a regime for controlling the provision of suitable personal protective equipment (PPE) to employees of industrial and non-industrial undertakings.

**Background**

2. Regulatory control on the provision and standard of PPE has been in place in the industrial sector for many years. Under the Factories and Industrial Undertakings Ordinance (FIUO) and its subsidiary legislation, the Commissioner for Labour is empowered to approve PPE which are crucial to the protection of the users' safety and health at work. A summary of the relevant regulations and the range of PPE currently under control is given in the Annex.

3. As a result of the enactment of the OSHO on 23 May 1997, the protection of workers' safety and health is extended to the non-industrial sector. It has been the Administration's plan to enact subsidiary regulations under the OSHO in stages to regulate certain hazardous processes, equipment and substances under several broad categories. The control on PPE is among them.

4. There are work processes in the non-industrial sector where the use of PPE is equally essential for protecting the safety and health of those at work. For example, safety goggles, aprons and gloves for those working in laboratories and retail outlets of chemical supplies, reflective vests for those working on public roads at night, etc. To ensure control on the

provision of PPE by the employer and their proper usage by the employee, it is necessary to introduce the proposed Regulation.

### **Coverage of the proposed Regulation**

5. The proposed Regulation will apply to all workplaces in industrial and non-industrial undertakings. However, it will not apply to the following equipment used in a workplace even though it is provided to an employee at work:

- (a) uniforms provided for the purpose of presenting a corporate image and ordinary work clothes which do not specifically protect the health and safety of the wearer;
- (b) “protective clothing” for food hygiene purpose only for the benefit of the consumer;
- (c) sports gear and equipment for professional and recreational use;
- (d) equipment provided by employers for self-defence such as bullet-proof vests and other accessories; and
- (e) PPE to be used for sea-going ships, air-borne aeroplanes and vehicles in motion on public roads. This is because these transportation means are not workplaces to which the OSHO applies and, as such, a regulation made thereunder will not apply to workers employed in such places.

### **Proposed Provisions in the Regulation**

#### *Provision of PPE*

6. An employer must ensure that suitable PPE is provided to his employees who may be exposed to a risk to their health and safety while at work. A priority of actions will be set, in that an employer is expected to control such risk adequately by other means, such as engineering controls of equipment or a safe system of work, in the first instance. The provision of suitable PPE should be the last defence for situations where further elimination of residual risks is not reasonably practicable.

### *Compatibility of PPE*

7. An employer shall ensure that where the presence of more than one risk to safety and health makes it necessary for employees to wear or use simultaneously more than one item of PPE, such pieces of equipment are compatible and continue to be effective against the risks in question.

### *Assessment of PPE*

8. In choosing any PPE for an employee, an employer is required to make an assessment to determine whether such PPE is suitable for the particular risks involved.

### *Maintenance and replacement of PPE*

9. Every employer shall ensure that any PPE provided to his employees is maintained in an efficient state, including replacement or cleansing as appropriate.

### *Storage of PPE*

10. The employer shall ensure that appropriate storage facilities are provided for the PPE when it is not in use.

### *Information, instruction and training*

11. Where an employer provides PPE to his employee, he shall provide adequate and appropriate information, instruction and training to enable the employee to know:

- (a) the kind of risk or risks which the PPE is capable of protecting the user from and the limitation of such equipment;
- (b) the purpose for which and the manner in which the PPE is to be used; and
- (c) any action to be taken by the employees to maintain the PPE in an efficient state.

### *Reporting loss or defect*

12. An employee should use the PPE provided to him by his employer and return it to the proper accommodation for storage after use. He should report to his employer any loss of or any obvious defect in the PPE.

### *Offences and penalties*

13. An employer who contravenes a provision of the proposed Regulation is liable to a maximum fine of \$50,000 (level 5). An employee who contravenes a provision of the proposed Regulation is liable to a maximum fine of \$10,000 (level 3).

### **Social and Economic Implications**

14. There are already requirements in the FIUO and its subsidiary legislation on the provision of PPE for some work processes in industrial undertakings. Proprietors in the industrial sectors do not have problems in complying with these requirements. In the non-industrial sector, the PPE are generally of a less complicated nature than those currently being used in the industrial sector. Given proper guidance and education, we do not foresee much problem for employers in the non-industrial sector to comply with the proposed regulation on PPE. We understand that in some reputable laboratories and major chemical suppliers, they have already taken adequate steps in ensuring a safe working environment through risk assessment and provision of PPE for their employees. The proposed regulation will bring home to all establishments the need to look at the risks inherent in their trade and to provide the suitable PPE where necessary. For some less prepared establishments, there will be some compliance costs for their employers but the benefit of preventing accidents and ill-health should far outweigh the costs incurred.

### **Public Consultation**

15. The Labour Advisory Board has been consulted and endorsed the proposal.

## **The Way Forward**

16. We plan to introduce the new regulation into the Legislative Council in 2000. We propose to allow a grace period of 12 months after it has been approved so as to allow sufficient time for employers to make the necessary preparation.

17. Guidance on the proposed regulation and training courses on the safety requirements and standards will be provided by the Labour Department and Occupational Safety and Health Council. Promotional activities to promulgate the Regulation will also be organized.

Education and Manpower Bureau  
January 2000

**Requirement of Personal Protective Equipment  
Under the Factories and Industrial Undertakings  
Ordinance and its subsidiary legislation**

<b>Item</b>	<b>PPE Required</b>	<b>Relevant Regulations</b>
1	Eye protector*	Factories and Industrial Undertakings (Protection of Eyes) Regulations
2	Ear protector #	Factories and Industrial Undertakings (Noise at Work) Regulation
3	Respiratory protective equipment # and protective clothing	Factories and Industrial Undertakings (Asbestos) Regulation
4	Breathing apparatus #	Factories and Industrial Undertakings (Confined Spaces) Regulations
5	Protective clothing	Factories and Industrial Undertakings (Electrolytic Chromium Process) Regulations
6	Goggles, helmet and ear protector	Factories and Industrial Undertakings (Cartridge-operated Fixing Tools) Regulations
7	Protective clothing	Factories and Industrial Undertakings (Dry Batteries) Regulations
8	Protective screen, boots, gloves	Factories and Industrial Undertakings (Electricity) Regulations
9	Goggles, spectacles, face shield, respirator	Factories and Industrial Undertakings (Dangerous Substances) Regulations
10	Safety helmet, safety belt, goggles, respirator	Construction Sites (Safety) Regulations
11	Safety belt	Factories and Industrial Undertakings (Suspended Working Platforms) Regulation
12	Protective helmet Δ	Factories and Industrial Undertakings (Blasting by Abrasives) Special Regulations
13	Safety helmet, safety rope, safety harness Δ	Quarries (Safety) Regulations

**Note :** \* the standard of the eye protector has to be approved by the Commissioner for Labour by notice in the gazette

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