

For discussion on
20 June 2012

Legislative Council Panel on Manpower

Measures to Improve the Occupational Safety and Health Performance of Construction Workers and Professional Drivers

Purpose

Members of the Panel have requested the Administration at earlier meetings to consider making further improvements on the occupational safety and health (OSH) performance of construction workers and professional drivers. This paper briefs Members on our recent new measures in this regard, and the review of the protection of professional drivers under the current legislative regime.

Construction workers

Background

2. The occupational safety performance of the construction industry has been a matter of public concern. With the concerted efforts of various sectors of the community and the Government, there was a substantial decline in the number of construction injuries over the past decade. The number of industrial accidents in the construction sector dropped from over 9 200 in 2001 to over 2 800 in 2010 (a decline of about 69%) and the accident rate (per 1 000 workers) from 114.6 to 52.1 (a decline of about 55%). However, we are concerned that 3 100 industrial accidents in construction sector were recorded in 2011 (an increase of 8% over 2010), and the number of fatal cases in the sector was 23, when compared with 9 in 2010.

3. With the steady increase in the construction projects in the coming years, we envisage that there will be more construction workers, many of whom are newcomers to the industry. Besides, with the ageing of buildings, there will be substantial increase in repair, maintenance, alteration and addition (RMAA) works. These developments would pose continuous challenges to the occupational safety performance of the construction sector.

Corresponding measures of the Labour Department

4. Having regard to the increases in mega infrastructure projects and RMAA works, the Labour Department (LD) has stepped up inspections and enforcement actions since early last year. In addition to over 40 000 regular inspections each year, LD launched in 2011 a number of territory-wide special enforcement operations targeting new works and RMAA works, with around 8 200 workplaces inspected, about 410 Suspension Notices/Improvement Notices issued (nearly double those of 2010), in which over 150 were Suspension Notices (an increase of 8.5 times) and about 290 prosecutions initiated (an increase of 34%). In 2012, LD further boosted its enforcement efforts. In a special operation conducted this February, LD inspected some 830 workplaces, issued about 40 Suspension Notices and 160 Improvement Notices, and is considering 210 prosecutions. LD has put across a clear message to the industry that LD would take immediate enforcement action without warning upon discovery of breaches of the occupational safety legislation which could result in injuries or death of workers. LD has also stepped up area patrols of RMAA works sites and inspections during non-office hours to deter contractors from adopting unsafe work practices.

5. Last year, LD launched a “Work Safety Alert” on its website to raise the safety awareness of employers, contractors and workers by informing them in a timely manner of serious industrial accidents and reminding them of general safety precautionary measures to avoid mishaps. We launched mobile applications of the Work Safety Alert in May this year to further facilitate industry stakeholders’ access to the information.

Construction Safety Forum

6. LD and the Occupational Safety and Health Council (OSHC) held a Construction Safety Forum (the Forum) in March 2012 to consider measures to enhance the occupational safety of the construction sector. Over 720 industry stakeholders attended the Forum, including contractors, workers, site supervisors, safety practitioners, members of the Construction Industry Council (CIC), professional and academic institutes. The Forum ran three thematic workshops, namely: “Strengthening site management and supervision”; “Enhancing safety awareness and responsibilities of workers”; and “Improving the safety management system”. Participants reached consensus on the following eight improvement measures to enhance construction safety.

Strengthening site management and supervision

(A) Take greater care of new construction workers

7. With a booming construction sector in recent years, the number of manual workers engaged at construction sites increased from about 51 000 in 2009 to over 69 000 in the fourth quarter of 2011, among which many are newcomers to the industry. Having regard to the high mobility of site workers, those who newly join the industry or are new to a site would face higher risks at work. Participants suggested that principal contractors should provide standard identification apparel (such as safety helmets with specific colour/ label) for new construction workers, and remind foremen and other senior workers to take extra care of them, giving them due advice and instructions on work safety. Relevant trade associations are working out the implementation details, such as the means of identification apparel and for how long the apparel should be worn. LD will commit full support for the promotion of standard apparel and production of safety information for workers.

(B) Formulate safety training programme for site management personnel

8. Project management staff and site foremen play an important role in ensuring the safety of site workers, as they are responsible for supervising the implementation of method statements and monitoring the works progress. To discharge their duties effectively, site foremen must be equipped with skills such as risk assessment and site safety management. At the Forum, CIC agreed to formulate a comprehensive site safety training programme tailor-made for site management personnel. The programme will cover safety legislation, safety management skills, risk assessment, crisis management, safety inspection, accident investigation and prevention, safety planning, and construction and design management.

(C) Develop a Code of Conduct for safety practitioners and enhance their continuing professional development programme

9. There are approximately 1 500 registered safety officers (RSOs) working in various construction companies and their construction sites, providing contractors with advice and assistance on OSH measures, requirements and standards. Apart from being equipped with relevant safety knowledge, RSOs should have good professional conduct. At the Forum, the Hong Kong Federation of Occupational Safety and Health Associations advocated the formulation of a Code of Conduct for occupational safety practitioners to ensure that their services rendered are in compliance with the professional standard. The Federation also proposed to develop a systematic continuing professional development

programme for RSOs to enhance their competence and professionalism. LD will review the “Guidance Notes on Continuing Professional Development Programmes” under the Factories and Industrial Undertakings (Safety Officers and Safety Supervisors) Regulations to ensure that the knowledge and skills of RSOs can keep abreast with the industry’s evolution and development.

Enhancing safety awareness and responsibilities of workers

(D) Strengthen the promotion of activities on occupational safety and health

10. Every year the Government and OSHC organise large-scale publicity and promotional activities, including safety seminars and talks, roving exhibitions, outreaching promotional visits, TV/radio broadcasts and the safety award schemes, etc., to enhance the safety awareness of workers. LD and OSHC will strengthen the promotion of activities on OSH this year by organising major thematic events to arouse the awareness of stakeholders and various sectors of the community; intensifying the cooperation with industry associations and trade unions to reach out to workers through promotional visits; and updating safety information from time to time to maintain the alertness of workers.

(E) Strengthen the publicity on site safety

11. LD will strengthen the publicity work of site safety, including the production of practical promotional souvenirs, such as a note pad with work safety hints for dissemination to workers through outreaching visits; production of illustrated leaflets of safety reminders targeting high risk work processes, such as work-at-height, lifting operations. Furthermore, we will produce promotional leaflets in ethnic minority languages for distribution at work sites with numerous ethnic minority workers.

(F) Revise the content of the “Green Card” course

12. At present, the Mandatory Basic Safety Training (Construction Work) course (or the “Green Card” course) covers the safety legislation and exemplary work practices to raise the safety awareness of workers and cultivate their safe work habits. Participants of the Forum suggested revising the “Green Card” course content by introducing practical case analyses of site accidents to supplement the theory on safe practice; encouraging workers to discuss in class; and making extensive use of simple-and-clear pictures to prepare teaching materials. LD will introduce case analyses of serious site accidents in the “Green Card” half-day revalidation course first. Subject to the assessment of its effectiveness, we will decide whether to extend such arrangement to the one-day full course.

Improving the safety management system

(G) Prepare guidelines on clients' participation in site safety

13. Active involvement of project clients is conducive to enhancing the occupational safety performance at construction sites. In recent years, the project clients have been increasingly involved in ensuring site safety. The Government and public utilities companies, in particular, have launched various safety incentive schemes. CIC will study different kinds of site safety incentives, including setting aside a certain sum in construction contracts to pay for safety measures that exceed statutory requirements; setting up award schemes for contractors and site workers with good safety performance; and requiring contract bidders to employ site management personnel with recognised safety training. CIC agreed to prepare guidelines on different models of site safety incentive programmes to encourage clients of private sites to adopt suitable measures commensurate with their business nature and safety monitoring framework.

(H) Support small and medium sized enterprises (SMEs) of RMAA works to enhance work safety

14. In the past three years, there were 20 fatal industrial accidents in RMAA works, in which about 60% were caused by fall of workers from height, with seven cases involving workers falling from bamboo scaffolds. With the aging of buildings, RMAA works, especially high risk work processes such as scaffolding and external wall maintenance, will continue to increase. Participants suggested that the OSHC's "SME Sponsorship Scheme for Fall Arresting Equipment for Renovation and Maintenance Work" should be strengthened to provide support to SMEs of RMAA works on safety training, safety equipment and safety system audit. LD will step up publicity and enforcement efforts to impress upon the RMAA sector on the importance of work safety.

Follow-up action

15. OSHC and LD implemented the afore-mentioned eighth measure on 1 June 2012 by launching an "OSH Star Enterprise – Pilot Scheme on RMAA Safety Accreditation" for the industry. It aims at improving the occupational safety performance of the RMAA SMEs through offering technical support and financial incentive. Details of the scheme are set out at the **Annex**. LD is following up with the relevant construction associations, trade unions, federation of safety practitioners and CIC on the suggestions raised at the Forum. It is expected that the remaining improvement measures would be implemented within 2012-13.

Professional drivers

Background

16. A Member of the Panel raised concern about the risk of heat stroke when professional drivers work in hot weather, and requested the Government to consider extending the coverage of the Occupational Safety and Health Ordinance (OSHO) to professional drivers' driving work, so as to enhance the OSH of professional drivers.

17. Professional drivers are required to work in small cabins for a long period of time, and lack stretching exercise. In addition, the OSHC has conducted a survey on the health conditions of professional drivers which reveals that professional drivers are susceptible to diseases like high blood pressure, high blood fat and high cholesterol in the long run, owing to their living habits: some drivers take diets high in calories and seldom have regular exercise. In 2011, LD collaborated with OSHC and relevant workers' unions to promote OSH messages among professional drivers, with the main themes including prevention of musculoskeletal disorders and heat stroke at work. In addition to distributing OSH information leaflets and souvenirs during visits to their workplaces, we collaborated with the Physical Fitness Association of Hong Kong to organise fitness exercise workshops for professional drivers to encourage them to perform fitness exercise regularly to prevent musculoskeletal disorders.

Legislative Regulatory Framework

18. In response to member's request, we have reviewed the existing legislation relating to professional drivers. The Road Traffic Ordinance (RTO) covers road safety issues concerning all drivers (including professional drivers). These include the design and maintenance of vehicles and roads, drivers' driving skills and attitude, the use of vehicle security devices, and the behaviour of other road users. The Road Traffic (Construction and Maintenance of Vehicles) Regulations regulate the construction and maintenance of vehicles, including safety after alteration and driver's accommodation providing adequate protection against bad weather; the Road Traffic (Safety Equipment) Regulations regulate the safety equipment of vehicles (such as seat belts); as well as the Road Traffic (Traffic Control) Regulations and the Road Traffic (Driving Licences) Regulations, etc.

19. In view of the scope of the provisions of the RTO, the OSHO does not cover the driver's seat of a vehicle. Nevertheless, the OSHO safeguards employed drivers' OSH while they are carrying out non-driving work, especially

when their employers can reduce their risk of injury in a reasonably practicable manner in situations under their employers' control, such as providing the drivers with a safe and healthy working environment, and with appropriate tools for work involving manual labour or repetitive movements. Indeed, it is difficult for employers of professional drivers to fully ensure the occupational safety of drivers while they are driving, as drivers' driving attitude, road conditions and the behaviour of other road users are beyond their control in a reasonably practicable manner.

'Change for Health' Promotion Campaign

20. The OSH of professional drivers has been the Government's main work focus. We have analysed the occupational health problems of professional drivers, and found that the main potential hazards include noise and vibration caused by parts of a vehicle, heat stress and drivers' living habits. Proper vehicle design and vehicle maintenance on a regular basis could solve the noise and vibration issues. With all non-air-conditioned buses ceasing operation in May this year, the thermal stress problem has also greatly reduced. Having regard to the implementation of Motor Vehicle Idling (Fixed Penalty) Ordinance, LD will step up publicity and promotional efforts in the prevention of heat stroke. As the living and eating habits of professional drivers mentioned above can lead to various health problems, LD collaborates with the Department of Health (DH) and OSHC this year to launch a series of activities with 'Change for Health' as the main theme.

21. We will make use of the following channels to disseminate to professional drivers the health messages of balanced diet and regular exercise, as well as prevention of heat stroke:

- (a) Focused publicity activities - We held a kick-off ceremony for this two-year promotion campaign at the Hong Kong International Airport on 30 May 2012, in which a representative from the Physical Fitness Association of Hong Kong demonstrated stretching exercise, and a representative from DH talked about main issues in healthy living. Fruit, OSH pamphlets and souvenirs were also distributed to professional drivers.
- (b) Outreach visits - We pay visits to large public transport interchange areas of buses, taxis, public light buses and trams, etc, factory loading areas and container terminals together with representatives of relevant workers' unions. We distribute OSH information materials, such as guidelines on the preventive measures, towels, chilling scarves and

water bottles to professional drivers, and promote OSH and prevention of heat stroke messages directly to them.

- (c) Radio publicity - As professional drivers often listen to the radio at work, LD collaborates with the Radio Television Hong Kong to broadcast the “Prevention of Heat Stroke Occupational Safety Trivia” programme. Besides, we also broadcast tips after the traffic news to remind professional drivers to pay attention to OSH.
- (d) Publicity videos - We show publicity videos on mobile advertising media on board public transports to remind professional drivers to pay attention to occupational health, drink plenty of water in the hot summer and do stretching exercise regularly.
- (e) OSH courses - An “Occupational Safety and Health of Professional Drivers” course is organised by OSHC to assist professional drivers to reduce accidents caused by work.
- (f) Health talks - Health talks on “Healthy Living of Professional Drivers” are delivered by representatives from LD and DH during gatherings of the motor transport industry.

22. In addition, the Transport Department (TD), through training and education activities, enhances commercial vehicle drivers’ safety and health awareness and instills in them proper driving behaviour. Relevant measures include providing assistance and expert advice for developing training courses under the Skill Upgrading Scheme for professional drivers in which safe driving behaviour, proper driving attitudes and occupational health tips are covered as key components. Moreover, TD organises safety seminars, talks, workshops and exhibitions for commercial vehicle drivers to update them on the latest road safety requirements, new legislation relating to traffic offences and road safety, and occupational safety information, and introduces driver improvement courses to enhance drivers’ road safety awareness and understanding of good driving behaviour. TD also disseminates road safety messages and health messages through road safety bulletins, newsletters for different transport trades and radio / TV Announcements in the Public Interests. TD has also issued guidelines to the operators concerned on the working hours of franchised bus and green minibus drivers.

23. To raise the alertness of commercial vehicle drivers to their health conditions, TD has launched an annual Safe Driving and Health Campaign since 2009. Activities under the campaign include safe driving and health related seminars and workshops, dissemination of safe driving and health messages through radio stations, advertisements on newspapers/at tunnel portals/prominent

sites near trunk roads, posters and stickers, as well as free health checks. About 1 800 to 2 000 drivers every year received free health checks in the past three years. TD will continue to launch the Safe Driving and Health Campaign in 2012 and will explore opportunities to work with relevant stakeholders to arrange publicity activities to enhance the safety and health awareness of commercial vehicle drivers.

Way Forward

24. LD will continue to collaborate with OSHC, other relevant Government departments and workers' unions of the industry to proactively promote the improvement of OSH of professional drivers.

Advice Sought

25. Members are invited to note this paper and give views on measures to improve the OSH performance of construction workers and professional drivers.

Labour and Welfare Bureau
Labour Department
June 2012

Pilot Scheme on RMAA Safety Accreditation

OSHC and LD have launched a two-year “OSH Star Enterprise - Pilot Scheme on RMAA Safety Accreditation”. The pilot scheme comprises the following three key elements:

- (a) For participating enterprises with works at height, their proprietors / contractors must provide safety harness and fall arresting device for workers. Enterprises may apply to OSHC for subsidy to purchase proper devices and related equipment;
- (b) OSHC provides safety training on working-at-height to foremen, and training on safe use of Transportable Temporary Anchor Device to workers; and
- (c) OSHC conducts safety audit to assess whether the enterprise qualifies for the safety accreditation.

2. Enterprises passing the safety audit assessment will be accredited as “OSH Star Enterprise”. Those that have demonstrated good OSH performance and continuous improvement for more than one year after accreditation may apply for re-assessment by OSHC. By passing the re-assessment, enterprises will be upgraded as “OSH Gold Star Enterprise”.

3. The Employees’ Compensation Insurance Residual Scheme Bureau will provide discount in insurance premium for enterprises with OSH accreditation:

- “OSH Star Enterprise”: to enjoy 40%-off discount when joining their insurance scheme, with “no claim record” requirement shortened from five years to two years;
- “OSH Gold Star Enterprise”: to enjoy 50%-off discount when joining their insurance scheme, with “no claim record” requirement waived.

4. Eligibility:

- (a) Small and medium-sized RMAA contractors hiring fewer than 50 employees in Hong Kong and with works located in Hong Kong;
- (b) Having completed business registration in accordance with the Business Registration Ordinance;

- (c) With an operation record of one year or above;
 - (d) Having completed at least one project at the time of application, and with project(s) in progress in the three months subsequent to submission of application;
 - (e) Enterprises involving works on bamboo scaffolds must have hired experienced “Competent Person” and “Trained Workman” to supervise and conduct the erection, alteration and dismantling of scaffolds in accordance with the requirements set out in the Construction Sites (Safety) Regulations and the Code of Practice for Bamboo Scaffolding Safety;
 - (f) No employee of the enterprise should have been involved in any fatal accident during the 12 months prior to application. Enterprise will be disqualified if a fatal accident occurs before announcement of the assessment result.
5. Safety assessment includes on-site inspection and safety audit:
- (a) Assessment of on-site safety inspection includes: measures preventing falling objects, working-at-height, working in confined space, electrical installation and usage, safe working on scaffolds and fire precautionary measures, etc;
 - (b) Assessment of safety management system includes: safety training, in-house safety rules, personal protective equipment plan, inspection programme on hazardous conditions and safety record, etc.
6. Enterprises should have hired a safety supervisor before assessment is completed.