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Panel on Manpower

**Updated background brief prepared by the Legislative Council Secretariat
for the meeting on 21 June 2016**

Occupational safety performance in Hong Kong

Purpose

This paper provides an update on the background information about Hong Kong's occupational safety performance and summarizes the major views and concerns of members of the Panel on Manpower ("the Panel") on the subject since the Fourth Legislative Council ("LegCo").

Background

2. According to the Administration, the number of occupational injuries¹ decreased by 15.2% from 44 267 in 2005 to 37 523 in 2014, while the number of industrial accidents² decreased by 31% from 16 917 to 11 677 over the same period. The number of industrial accidents for all sectors in the first half of 2015 was 5 334, down by 2.4% when compared with 5 463 in the same period of 2014, while the accident rate per 1 000 workers decreased by 4.8% from 18.0 to 17.1. Most accidents, except those of the construction industry, were of minor nature and mainly involved "slip, trip or fall on the same level" and "improper manual lifting or carrying".

¹ Occupational injuries refer to injury cases in workplaces reported under the Employees' Compensation Ordinance (Cap. 282), resulting in death or incapacity for work of over three days.

² Industrial accidents refer to injuries and deaths arising from industrial activities in industrial undertakings as defined under the Factories and Industrial Undertakings Ordinance (Cap. 59).

Deliberations of the Panel

Safety performance of the construction industry

3. In light of the commencement in sequence of major infrastructure projects and a large number of maintenance works projects for old buildings, some members expressed concern that construction workers had to work for long hours so as to meet the project deadlines at the expense of safe work practices. Following a series of construction fatalities related to the Hongkong-Zhuhai-Macao Bridge Project, some members expressed grave concern about the occupational safety of workers engaged in public works projects, in particular those undertaking sea-based construction works. Members called on the Labour Department ("LD") to conduct more workplace inspections to construction sites to ensure compliance with the occupational safety and health ("OSH") legislation and deter unsafe work practices.

4. According to the Administration, LD had established a special team to step up inspection and enforcement action, urging contractors to implement safety management systems on construction sites and integrate OSH elements into their method statements through participating in their project preparatory meetings and site safety management committee meetings. In addition, LD would conduct surprise detailed site inspections, which lasted for six to seven hours on each occasion, to construction sites of large-scale infrastructure projects. The Administration stressed that LD would take immediate enforcement actions without prior warning on discovery of breaches of safety legislation as well as initiate prosecutions and issue suspension notices and improvement notices as appropriate.

5. Members were further advised that the Development Bureau had introduced a series of additional measures including a pre-warning system whereby directorate officers of works departments would interview senior management of their public works contractors and request them to submit improvement plans whenever there was an upward trend in the number of accidents in individual contracts. A merit and demerit system was also put in place to control the safety performance of public works contractors. The past performance and accident rates of contractors would be taken into account under the current tender assessment system for public works contracts. As regards the safety measures for performing sea-based construction works, members were advised that Marine Department ("MD") and the Occupational Safety and Health Council ("OSHC") from time to time co-organized conferences, seminars and briefings on work-over-water safety for the industry. LD had been organizing monthly joint enforcement operations with MD to detect work practices contravening safety requirements for sea-based construction works.

6. Some members called for the imposition of heavier penalty on convicted cases related to fatal industrial accidents in the construction industry so as to increase the deterrent effect against non-compliance with the OSH legislation. The Administration advised that LD had since 2013 been working very closely with the Department of Justice ("DoJ") in a bid to raise the level of penalty for non-compliance with safety requirements. Following the advice of DoJ, LD would submit relevant information to the court for considering the appropriate level of penalty to be imposed upon conviction. The Administration drew members' attention to the fact that the fines and the maximum penalty imposed by the court on convicted cases had increased notably in recent years.

7. Some members considered that training on occupational safety should be provided for new entrants to the construction industry, in particular ethnic minorities ("EMs") who might encounter communication problem at work. The Administration pointed out that construction workers were required to receive safety training and complete the Mandatory Basic Safety Training Course (Construction Work) (commonly known as the "Green Card" course) before commencing work. The Administration further advised that LD had prepared promotional leaflets and posters with simple and easy-to-understand pictorial aids which were printed in various ethnic languages as well as organized outreaching seminars in collaboration with relevant labour unions at construction sites to deliver OSH message to EMs.

Safety of working at height

8. Some members took the view that a licensing scheme should be put in place to strengthen the regulatory efforts in enhancing the related work safety given the small-scale of repair, maintenance, alteration and addition ("RMAA") works and the difficulties in conducting inspections to the RMAA work sites. According to the Administration, there were challenges of deterring work practices contravening work safety requirements in RMAA works given their scattered locations and short duration and high mobility of truss-out scaffolding works. LD had strengthened the liaison with other relevant bureaux/government departments and large housing estates on renovation works to be launched. LD officers would continue to conduct surprise inspections to RMAA work sites involving the use of truss-out scaffolds ("TOS") and other scaffolds during area patrols to deter unsafe work practices.

9. The Administration advised that LD, in collaboration with OSHC, launched various sponsorship schemes in recent years with a view to encouraging small and medium-sized contractors to adopt safe working methods. For instance, LD and OSHC jointly launched in 2012 the "OSH Star Enterprise - RMAA Safety Accreditation Scheme" for the renovation and

maintenance industry with focus on the high-risk bamboo scaffolding sector. Apart from providing free training and subsidy to purchase fall arresting devices and related equipment, accredited contractors could enjoy premium discount up to 50% when procuring employees' compensation insurance under the Employees' Compensation Insurance Residual Scheme. In 2013, a sponsorship scheme was launched to encourage small and medium-sized contractors to purchase mobile working platforms so as to enhance work-at-height safety in the industry. In April 2015, LD, in collaboration with OSHC, launched a new sponsorship scheme to subsidize small and medium-sized contractors to purchase working platforms for carrying out light duties at restrictive workplaces. LD would further promote a sponsorship scheme to encourage contractors to purchase transportable temporary anchor devices for use in erection and dismantling of TOS, which could help mitigate the risks associated with TOS works.

10. On the suggestion of replacing the use of TOS with suspended working platform or other alternative safety devices, the Administration explained that it might not be technically feasible to use suspended working platform for maintenance work of external walls in many buildings due to their physical constraints. Nevertheless, LD and OSHC were actively exploring ways to address the safety concern for workers engaged in works at the external walls so as to prevent occurrence of accidents, such as use of prefabricated TOS. To address the sector-specific problem, LD had, in collaboration with the Construction Industry Council ("CIC"), issued guidelines and code of practice on the use of bamboo scaffolds for work-at-height and carrying out works at the external walls.

Industrial accidents in the food and beverage services sector

11. Some members raised queries about the effectiveness of the publicity and educational efforts put in place by the Administration in addressing industrial accidents in the catering sector which had all along topped those of all industries over the years. According to the Administration, with a view to integrating its services in publicity and promotion, education, training, research and sponsorship schemes for the catering industry, OSHC established a "Catering Safety and Health Steering Committee" in 2014 to further promote and enhance the work safety standards of the industry. In addition, LD had conducted two extensive special enforcement operations in 2015 in which occupational safety officers conducted more than 3 300 inspections to catering establishments. To further improve the work safety of the catering industry practitioners, and encourage the industry to raise tidiness and cleanliness standards at workplaces, LD and OSHC would provide outreaching training courses at catering establishment with a view to enhancing the OSH awareness of their employees.

Occupational safety under hot or inclement weather

12. Members had all along been concerned about OSH of employees working outdoor during hot summer and typhoon season, particularly heat stroke cases occurred in outdoor working environments. There was a suggestion that the general duty of an employer should include suspension of work under extremely hot weather in order to ensure the safety of workers.

13. The Administration advised that it had enhanced the protection of employees from heat stroke and conducted large-scale inspections to workplaces during the hot months over the past years. Specifically, LD had adopted a two-tier inspection mode whereby occupational safety officers ("OSOs"), who were provided with a checklist for heat stress assessment at workplaces, conducted inspections to workplaces of high-risk to heat stroke such as construction sites, container yards and outdoor cleansing workplaces, and assessed the risk of heat stress. OSOs would take immediate enforcement actions against inadequate preventive measures for heat stroke, including initiating prosecution or issuing warnings and improvement notices. They would refer doubtful cases to LD's occupational hygienists for in-depth study with the aid of appropriate equipment.

14. The Administration further advised that CIC published a set of updated guidelines in 2013 recommending the construction industry to give an extra 15 minutes rest break every morning for construction workers in May to September every year. In addition, LD in collaboration with OSHC rolled out the "Cooling Vest Promotion Pilot Scheme" in the summer of 2013 to test out the feasibility of using cooling vests in the construction, outdoor cleansing, horticulture, and catering industries as well as airport ramp cargo handling work. The pilot scheme had been completed and OSHC had collated feedback from the participating companies. Besides, following LD's meeting with the management of container terminal operators in 2013, the container handling industry had improved the "Guidelines on work arrangements under adverse weather conditions" for employees, which stipulated clearly relevant preparation to be completed and the work procedures to be taken before and after the typhoon signal no. 8 was hoisted respectively.

Safety measures for container handling industry

15. Some members were concerned about the measures in place to prevent serious industrial accidents of container handling activities. The Administration advised that it had examined critically the circumstances and causes of the accidents, which were mainly systemic issues related to operation and maintenance of container handling plant and machineries. These included

risk assessment and communications among different responsible persons undertaking container handling in the work process. Therefore, LD had communicated with the industry stakeholders and container terminal operators concerned and urged them to make necessary improvements so as to ensure safe operation in container terminals.

16. Some members expressed concern that given the vast area of the container terminals and its round-the-clock mode of operation, it would be difficult for LD's labour inspectors to fully assess the occupational safety performance of the industry. The Administration advised that LD officers would conduct surprise inspections to workplaces of different industries outside office hours where necessary to monitor employers' compliance with the labour legislation.

Relevant papers

17. A list of the relevant papers on the LegCo website is in the **Appendix**.

**Relevant papers on
Occupational safety performance in Hong Kong**

Committee	Date of meeting	Paper
Panel on Manpower	21.1.2009 (Item III)	<u>Agenda</u> <u>Minutes</u>
Panel on Manpower	16.7.2009 (Item II)	<u>Agenda</u> <u>Minutes</u>
Panel on Manpower	22.10.2009 (Item III)	<u>Agenda</u> <u>Minutes</u>
Panel on Manpower	21.1.2010 (Item III)	<u>Agenda</u> <u>Minutes</u>
Legislative Council	5.5.2010	<u>Motion on "Medical check-ups for professional drivers"</u>
Legislative Council	12.5.2010	<u>Motion on "Protecting the safety and health of employees at work in inclement weather"</u>
Legislative Council	19.5.2010	<u>Motion on "Reviewing occupational safety and health and employees' compensation system"</u>
Panel on Manpower	20.5.2010 (Item IV)	<u>Agenda</u> <u>Minutes</u>
Legislative Council	2.6.2010	<u>Official Record of Proceedings (Question 8)</u>
Panel on Manpower	20.1.2011 (Item IV)	<u>Agenda</u> <u>Minutes</u>

Committee	Date of meeting	Paper
Panel on Manpower	17.6.2011 (Item IV)	<u>Agenda</u> <u>Minutes</u>
Legislative Council	6.7.2011	<u>Official Record of Proceedings</u> <u>(Question 2)</u>
Legislative Council	19.10.2011	<u>Official Record of Proceedings</u> <u>(Question 7)</u>
Legislative Council	14.12.2011	<u>Official Record of Proceedings</u> <u>(Question 1)</u>
Legislative Council	11.1.2012	<u>Official Record of Proceedings</u> <u>(Question 10)</u>
Legislative Council	28.3.2012	<u>Official Record of Proceedings</u> <u>(Question 11)</u>
Panel on Manpower	20.6.2012 (Item V)	<u>Agenda</u> <u>Minutes</u>
Panel on Manpower	11.7.2012 (Item IV)	<u>Agenda</u> <u>Minutes</u>
Panel on Manpower	18.12.2012 (Item IV)	<u>Agenda</u> <u>Minutes</u>
Panel on Manpower	25.1.2013 (Item V)	<u>Agenda</u> <u>Minutes</u>
Panel on Manpower	16.4.2013 (Item V)	<u>Agenda</u> <u>Minutes</u>
Panel on Manpower	19.11.2013 (Item V)	<u>Agenda</u> <u>Minutes</u>
Panel on Manpower	17.12.2013 (Item V)	<u>Agenda</u> <u>Minutes</u>

Committee	Date of meeting	Paper
Legislative Council	18.12.2013	Official Record of Proceedings (Question 13)
Legislative Council	8.1.2014	Official Record of Proceedings (Question 21 and 22)
Panel on Manpower	15.4.2014 (Item IV)	Agenda Minutes
Legislative Council	16.4.2014	Official Record of Proceedings (Question 6)
Legislative Council	30.4.2014	Official Record of Proceedings (Question 2)
Legislative Council	11.6.2014	Official Record of Proceedings (Question 1)
Panel on Manpower	17.6.2014 (Item V)	Agenda Minutes
Panel on Manpower		LC Paper No. CB(2)1836/13-14(01)
Panel on Manpower	18.11.2014 (Item IV)	Agenda Minutes
Panel on Manpower	17.3.2015 (Item IV)	Agenda Minutes
Panel on Manpower	16.6.2015 (Item IV)	Agenda Minutes
Panel on Manpower	14.7.2015 (Item II)	Agenda Minutes
Panel on Manpower	17.11.2015 (Item IV)	Agenda Minutes

Committee	Date of meeting	Paper
Legislative Council	3.2.2016	Official Record of Proceedings (Question 15)
Panel on Manpower	15.3.2016 (Item V)	Agenda Minutes

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