

For Discussion
on 13 December 2016

Legislative Council
Panel on Food Safety and Environmental Hygiene

**Working Environment of Outsourced Cleansing Workers of
the Food and Environmental Hygiene Department**

Purpose

This paper briefs Members on the working environment of outsourced cleansing workers of the Food and Environmental Hygiene Department (FEHD).

Background

2. Maintaining a clean and hygienic living environment for the public is one of the key responsibilities of FEHD. The range of services mainly includes street sweeping and washing, gully emptying, household waste collection, and management of public toilets and refuse collection points.

3. Following the policies of the former Municipal Councils, FEHD has since 2000 continued to contract out some of its street cleansing services. Street cleansing contracts generally cover street sweeping, cleansing of public toilets, litter picking, gully cleansing, street washing, litter container emptying/cleansing duties, etc. Currently, FEHD and its contractors have a total workforce of about 10 500 in providing street cleansing services. The services outsourced make up about 77% of all street cleansing services.

Provisions or Requirements in FEHD's Outsourced Service Contracts Concerning Working Environment

4. Under the service contracts entered between FEHD and its contractors, it is stipulated that contractors shall comply with all legislation in relation to the execution of the service contracts, including the Occupational Safety and Health Ordinance (OSHO) (Cap. 509) and its subsidiary regulations. According to OSHO, employers have a duty to ensure, as far as reasonably practicable, their employees' safety and health at work, which includes, inter alia, providing sufficient drinking water and toilets for employees. There are no specific requirements in OSHO for the provision of fixed locations for changing clothes and lockers, etc.

5. If FEHD finds that any contractor fails to comply with the requirements for providing its employees with sufficient drinking water, FEHD will issue a warning to the contractor and require the contractor to make improvement within a specified time frame (normally not exceeding 24 hours), failing which a notice of default will be issued to the contractor. FEHD will also refer the case to the Labour Department for investigation and follow-up where necessary. In addition, FEHD is now considering specifying in new contracts that the contractor's lacking and/or failing to provide sufficient drinking water for its employees shall constitute a blatant default. If the contractor contravenes the clause concerned, FEHD may issue a notice of blatant default to the contractor without prior warning.

Overview of the Current Working Environment of FEHD's Outsourced Cleansing Workers

6. FEHD does not require contractors' workers to change out of their uniforms during meal breaks. Since contractors' employees who mainly work outdoors will find suitable locations for meals and short rest according to individual circumstances and needs, FEHD's outsourced cleansing services contracts generally do not require contractors to provide their employees with facilities for the purposes of rest, meals and changing clothes.

7. Taking into account the area of roll-call points and other relevant considerations, FEHD will provide suitable changing facilities and toilets for the employees of its contractors. If changing facilities and toilets are available for members of the public and/or FEHD staff in the vicinity of the roll-call points concerned, the employees of contractors can generally make use of those facilities. Many FEHD venues have changing rooms and toilets which can normally be used by the employees of contractors. Some roll-call points could not provide permanent changing and storage facilities owing to space constraints. In this connection, FEHD will allow contractors to provide temporary changing and storage facilities for the convenience of their employees where circumstances permit. As for FEHD's newly completed facilities including refuse collection points, changing and storage facilities as well as toilets have been provided for use by in-house staff or contractors' employees.

FEHD's Current Regulatory Measures on the Working Environment of Outsourced Cleansing Workers

8. In the delivery of public services through outsourcing arrangement, FEHD has, with a view to strengthening the regulation of its contractors, implemented a series of measures to safeguard the lawful rights and interests of non-skilled workers. Apart from monitoring the performance of the contractors in provision of daily services, FEHD has set up the Central Investigation Team to follow up on complaints against contractors' non-compliance with employment requirements. District offices under FEHD also, on a regular basis, conduct random checks, hold interviews with workers on employment issues, and post notices at roll-call points with telephone hotlines shown for workers to make enquiries/complaints to the authorities concerned. FEHD also inspects and reviews the working environment of outsourced cleansing workers to ensure that its contractors have provided a reasonable and safe working environment for their employees and observed the relevant legal and contractual requirements at all times.

Ways to Improve the Working Environment of Outsourced Cleansing Workers

9. As a good and responsible employer, both the Government and contractors have a duty to provide a suitable working environment for their employees. As stipulated in paragraphs 6 and 7 above, FEHD will offer appropriate assistance where circumstances and resources permit. FEHD will from time to time review the outsourced service contracts concerned and consider the need to revise the service contracts or other administrative arrangements, with a view to ensuring that the contractors provide a reasonable and safe working environment for their employees, and comply with the relevant legislation and departmental guidelines.

Conclusion

10. Members are invited to note and comment on the content of this paper.

Food and Health Bureau

Food and Environmental Hygiene Department

December 2016