

立法會
Legislative Council

LC Paper No. CB(2)406/16-17
(These minutes have been seen
by the Administration)

Ref : CB2/PL/MP

Panel on Manpower

Minutes of meeting
held on Tuesday, 15 November 2016, at 4:30 pm
in Conference Room 1 of the Legislative Council Complex

Members present :

- Hon LEUNG Yiu-chung (Chairman)
- Hon HO Kai-ming (Deputy Chairman)
- Hon James TO Kun-sun
- Hon Tommy CHEUNG Yu-yan, GBS, JP
- Hon Starry LEE Wai-king, SBS, JP
- Hon CHAN Hak-kan, BBS, JP
- Hon CHAN Kin-por, BBS, JP
- Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
- Hon Mrs Regina IP LAU Suk-ye, GBS, JP
- Hon Paul TSE Wai-chun, JP
- Hon LEUNG Kwok-hung
- Hon Michael TIEN Puk-sun, BBS, JP
- Hon WU Chi-wai, MH
- Hon YIU Si-wing, BBS
- Hon CHAN Chi-chuen
- Hon Alice MAK Mei-kuen, BBS, JP
- Dr Hon KWOK Ka-ki
- Hon KWOK Wai-keung
- Hon Dennis KWOK Wing-hang
- Dr Hon Fernando CHEUNG Chiu-hung
- Dr Hon Helena WONG Pik-wan
- Hon Martin LIAO Cheung-kong, SBS, JP
- Dr Hon CHIANG Lai-wan, JP
- Ir Dr Hon LO Wai-ki, SBS, MH, JP
- Hon Alvin YEUNG
- Hon Andrew WAN Siu-kin
- Hon CHU Hoi-dick
- Hon Jimmy NG Wing-ka, JP

Dr Hon Junius HO Kwan-yiu, JP
Hon LAM Cheuk-ting
Hon SHIU Ka-fai
Hon SHIU Ka-chun
Hon YUNG Hoi-yan
Dr Hon Pierre CHAN
Hon CHAN Chun-ying
Hon Tanya CHAN
Hon CHEUNG Kwok-kwan, JP
Hon LUK Chung-hung
Hon LAU Kwok-fan, MH
Hon Jeremy TAM Man-ho
Dr Hon YIU Chung-yim

**Members
absent** : Hon Abraham SHEK Lai-him, GBS, JP
Hon WONG Kwok-kin, SBS, JP
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Christopher CHEUNG Wah-fung, SBS, JP
Hon POON Siu-ping, BBS, MH
Hon HUI Chi-fung
Hon Kenneth LAU Ip-keung, MH, JP
Hon KWONG Chun-yu
Hon Nathan LAW Kwun-chung
Dr Hon LAU Siu-lai

**Public Officers
attending** : Item IV

Mr Carlson CHAN Ka-shun, JP
Commissioner for Labour

Mr Charles HUI Pak-kwan, JP
Assistant Commissioner for Labour
(Employment Services)

Ms Catherine LAW Sui-fong
Senior Labour Officer
(Employment Services) (Policy)
Labour Department

Mr Daniel LEUNG Kwok-keung
Senior Labour Officer (Selective Placement)
Labour Department

Item V

Mr Jeff LEUNG Wing-yan
Deputy Commissioner for Labour
(Occupational Safety and Health)

Mr WU Wai-hung
Assistant Commissioner for Labour
(Occupational Safety)

Mr LEUNG Yuk-keung
Chief Occupational Safety Officer
(System and Support)
Labour Department

Clerk in attendance : Miss Betty MA
Chief Council Secretary (2) 1

Staff in attendance : Ms Rita LAI
Senior Council Secretary (2) 1

Miss Lulu YEUNG
Clerical Assistant (2) 1

Action

I. Confirmation of minutes of previous meeting
(LC Paper No. CB(2)140/16-17)

The minutes of the meeting held on 28 October 2016 were confirmed.

II. Information papers issued since the last meeting
(LC Paper Nos. CB(2)68/16-17(01) and CB(2)151/16-17(01))

2. Members noted that the following papers had been issued since the last meeting:

- (a) joint letter dated 20 October 2016 from Mr KWOK Wai-keung, Mr HO Kai-ming and Mr LUK Chung-hung suggesting the Panel to discuss the implementation of statutory paternity leave ("PL"); and

Action

- (b) letter dated 9 November 2016 from Mr KWOK Wai-keung suggesting the Panel to discuss issues regarding the inclusion of a new clause in the Standard Employment Contract ("SEC") on window-cleaning duty of foreign domestic helpers ("FDHs").

3. Having regard to the Administration's undertaking of conducting a review on the implementation of PL one year after its coming into operation from February 2015, Mr KWOK Wai-keung said that the Panel should follow up the matter as soon as practicable. The Chairman advised that he had raised the issue with the Secretary for Labour and Welfare during the meeting of the Panel Chairman and Deputy Chairman with the Administration to discuss the work plan of the Panel for the 2016-2017 session. According to the Administration, it would report the outcome and recommendations on the future direction of statutory PL to the Panel upon completion of the review underway, i.e. the first half of 2017.

4. Mr KWOK Wai-keung said that as the Labour Department ("LD") had already announced the new arrangement regarding cleaning of outward-facing windows of FDHs to safeguard their occupational safety, he considered that the concerns raised in his letter mentioned in paragraph 2(b) above had largely been addressed. He therefore did not see the need to follow up the matter right away. The Chairman suggested and members agreed that the Administration should be requested to provide a written response to the issues raised in Mr KWOK's letter.

(Post-meeting note: The Administration's response was circulated to members vide LC Paper No. CB(2)218/16-17 on 18 November 2016.)

III. Date of next meeting and items for discussion
(LC Paper Nos. CB(2)142/16-17(01) and (02))

5. The Chairman informed members that he and the Deputy Chairman had discussed the work plan of the Panel for the 2016-2017 session with the Administration on 4 November 2016. The Panel's list of outstanding items for discussion had been updated accordingly.

Action

Regular meeting in December 2016

6. Members agreed that the following items proposed by the Administration be discussed at the next regular meeting at 4:30 pm on 20 December 2016:

- (a) Progress of the lapsed Employment (Amendment) Bill 2016; and
- (b) Adjustment of the levels of compensation under the Employees' Compensation Ordinance, the Pneumoconiosis and Mesothelioma (Compensation) Ordinance and the Occupational Deafness (Compensation) Ordinance.

IV. Latest development in the employment services of the Labour Department

(LC Paper Nos. CB(2)142/16-17(05) and (06))

7. At the invitation of the Chairman, Commissioner for Labour ("C for L"), briefed members on the latest development in the employment services of LD.

8. Members noted a background brief entitled "Employment services of the Labour Department" prepared by the Legislative Council ("LegCo") Secretariat.

Employment assistance to ethnic minorities

9. Dr Fernando CHEUNG was concerned about the employment difficulties encountered by the ethnic minorities ("EMs") because of language barrier, in particular their low proficiency in Cantonese. To his understanding, EM job seekers found the provision of services by the employment services ambassadors ("ESAs") engaged under the "Employment Services Ambassadors Programme for EMs" ("the ESA Programme") at LD's job centres not effective and there was no arrangement of interpretation services for them. Dr CHEUNG sought information on the provision of interpretation services to EM job seekers at LD's job centres in 2015.

Action

10. C for L responded that LD piloted the ESA Programme in September 2014, employing trainees of the Youth Employment and Training Programme ("YETP") who could communicate in EM languages as ESAs. It helped LD enhance its employment services to job seekers, in particular EMs. LD had also made arrangements with non-governmental organisations ("NGOs") to provide simultaneous telephone interpretation services for EM job seekers who spoke neither Chinese nor English. LD staff would proactively approach EM job seekers at LD's job centres for provision of telephone interpretation services as necessary. In the first three quarters of 2016, staff of job/recruitment centres arranged interpretation services for EM job seekers on 20 occasions.

11. Dr Fernando CHEUNG and Mr Andrew WAN considered the usage of interpretation services by EM job seekers too low. Expressing queries about whether EM job seekers were aware of provision of interpretation services at LD's job/recruitment centres, Mr WAN called on the Administration to step up its publicity efforts and enhance staff training in receiving EM job seekers at the job/recruitment centres. Mr WAN further suggested enhancing the functions of the vacancy search terminals by, say, installation of touch-screen interface in the job/recruitment centres to facilitate EM job seekers' access to employment information and search for vacancies.

12. C for L responded that staff at LD's job/recruitment centres would proactively approach EM job seekers for provision of interpretation services as necessary. Leaflets translated into major EM languages were distributed to EM visitors to ascertain their need for the services. Key information of all job vacancies was translated and displayed bilingually on the Interactive Employment Service ("iES") website, its mobile application and vacancy search terminals equipped with touch-screen interface to facilitate EMs to browse vacancy information. LD's job centres also displayed job vacancies with no Chinese language requirement. When submitting vacancy orders to LD, employers were advised repeatedly to consider critically the genuine occupational requirements of the vacancies when specifying the language requirement. Assistant Commissioner for Labour (Employment Services) ("AC for L(ES)") added that posters regarding the provision of interpretation services to job seekers were displayed in all LD's job centres.

Action

13. Mr LEUNG Kwok-hung sought information on the number of successful job referrals for EMs in securing employment. He further enquired about the Administration's service plan in arranging job referrals for EM job seekers.

14. AC for L(ES) responded that the number of EM job seekers registered for LD's employment services had increased by 10% in 2015 as compared with 2014 and 9% in the first three quarters of 2016 over the corresponding period in 2015. In 2015, 1 721 job referrals were arranged for EM job seekers (i.e. 1.4% of all job referrals arranged for job seekers), and 75 EM job seekers secured placements through LD's referral services (representing 0.5% of all placements secured through LD's referral services). Among the 75 job offers made to the South Asian registrants in 2015, 38 of them finally accepted the offer. In comparison, only around 20% of all job offers made by the employers through LD's referral services in 2015 were declined by job seekers.

15. Mr SHIU Ka-chun expressed grave concern about employment difficulties of EM job seekers. To his understanding from a survey conducted by EM groups, the majority of EM job seekers had difficulty in job search and making use of LD's employment services because of language barrier. Mr SHIU appealed to the Administration to seriously consider implementing various facilitating measures for EM job seekers, including establishing an EM Employment Division, provision of job-matching service, engaging full-time staff who spoke EM languages, enhancing the interpretation services as well as provision of subsidy for accreditation of overseas academic qualifications.

16. C for L shared the view of the importance of enhancing EM job seekers' awareness of LD's employment services. As a matter of fact, job centres had been maintaining close contact with NGOs serving EMs, EM religious bodies and schools with EM students in disseminating updated employment information to EMs regularly and encouraging them to refer EMs with employment needs to LD for employment services.

Employment assistance to young people

17. Ms YUNG Hoi-yan expressed concern about how YETP could benefit the young people and assist them, in particular the associate degree holders who encountered much employment difficulties, in finding jobs. Ms YUNG sought information on the breakdown of participants of YETP by age group and academic attainment as well as their employment prospects upon completion of the programme.

Action

18. C for L advised that in 2015-2016, the total number of young people who had registered with YETP was some 6 100. 43% of these trainees aged 15-19 while 57% of them were at the age of 20 or above. In terms of academic attainment, 12% of the trainees were associate degree/higher diploma holders while the majority attained matriculation level or below. Young people who participated in salaried on-the-job training of YETP worked in different trades and industries including transportation, retails, catering and construction/works sectors. They mainly took up employment as technicians, skilled workers, sales persons and customer service personnel. AC for L(ES) added that according to the findings of the annual trainee development surveys conducted on trainees who were enrolled in the programme and completed the 12 months' support services in the past six programme years, around 70% of the sampled trainees were in employment at the time of survey and around 12%-20% of the trainees were about to take up employment, pursue further studies or participating in other training programmes. On the whole, the employment situation of the trainees upon completion of the programme was satisfactory.

19. Mr SHIU Ka-chun considered the major employment difficulty of the younger generation was that their wage level remained on the low side. Mr SHIU was of the view that the Government should take the lead in recruiting more young people and help creating more job opportunities for them. Mr SHIU sought explanation for the low participation rate of YETP and called on the Administration to consider commissioning an independent consultant to conduct a comprehensive review of the programme.

20. AC for L(ES) responded that LD conducted review of YETP from time to time, having regard to the demand in the labour market. Under YETP, LD had been working closely with training organizations to tailor-make training-cum-employment projects for employers of different industries, such as the aviation industry. The lower participation rate of YETP in recent years was partly attributed to the decrease in population of the target age group of 15-24 and the increasing opportunities for these young people to pursue further studies. In addition, as a result of the vibrant economy in the past few years, young job seekers could find jobs in the employment market more easily and fewer of them sought employment assistance from LD under YETP. That said, in 2015-2016 programme year, some 3 000 placements with on-the-job training under YETP were secured.

Action

21. Noting that Vocational Training Council's "Earn & Learn" Pilot Schemes gained popularity among the young people, Mr LUK Chung-hung said that the Administration should consider extending such "first-hire-then-train" pilot scheme to more industries.

Employment support for persons with disabilities

22. Ms YUNG Hoi-yan noted with concern about the staff recruitment and retention difficulties in the elderly care sector and the pressing demand for elderly care services arising from rapid ageing population. As such, Ms YUNG enquired whether LD would consider enhancing its publicity efforts in promoting job referrals for job seekers with disabilities, including those with mild intellectual disabilities, to work in the sector.

23. AC for L(ES) responded that LD's Selective Placement Division ("SPD") provided employment services for job seekers with disabilities which included, among others, matching the requirements of job vacancies against the work abilities and aspiration of job seekers with disabilities, and referring suitable job seekers to employers, including those in the elderly service sector, for job interview. In response to the Chairman's enquiry about the number of successful cases of job referrals, Senior Labour Officer (Selective Placement) ("SLO(SP)) of LD said that there were varying degrees of disabilities among job seekers with intellectual disabilities. Job matching services would be provided to these job seekers based on their work abilities as appropriate. Of about 2 400 placements secured for job seekers with disabilities in 2015, there were about 500 to 600 placements involving job seekers with intellectual disabilities who took up employment in various trades and industries, including the catering and elderly care sectors.

24. Dr KWOK Ka-ki sought information on the employment support for different categories of job seekers with disabilities, including those with intellectual disabilities, behavioural or emotional problems and physical disabilities, having regard to their different needs for support. Noting that 1 313 placement cases were secured by LD from September 2014 to March 2015 and that there were only 396 cases in which employees with disabilities having been employed in the same post for six months or more, Dr KWOK considered the figure too small and sought explanation in this regard.

Action

25. SLO(SP) said that SPD was responsible for providing employment services for job seekers with disabilities fit for open employment and assisted them in securing jobs that were best suited to their abilities, skills, qualifications and experience. In 2015, LD received 2 720 registrations from persons with disabilities. Most of the cases involved job seekers with ex-mental illness, intellectual disability and hearing impairment while there were less cases involving job seekers with autism, attention deficit/hyperactivity disorder and specific learning difficulties. For those with severe disabilities or those not fit for open employment, they would be provided with rehabilitation and employment support services under specific employment programmes administered by the Social Welfare Department ("SWD").

26. Dr KWOK Ka-ki noted with concern that since the launching of a pilot scheme in September 2016 to engage an NGO to offer professional psychological and emotional counselling services to needy job seekers with disabilities registered with LD ("the pilot scheme"), LD had only referred 20 job seekers with disabilities to receive the counselling service provided by the NGO. Dr KWOK considered that the implementation of the pilot scheme was not satisfactory.

27. In response, SLO(SP) said that each job seeker with disability was assigned a placement officer of SPD who provided them with personalised services which included, among others, employment counselling and job matching services. To further strengthen the employment support service for job seekers with disabilities, with effect from September 2016, LD had launched the two-year pilot scheme. In-depth psychological/emotional counselling service was provided by registered social workers of the NGO with expertise and experience in this respect to needy job seekers. Of the 2 720 persons with disabilities registered with LD for employment services in 2015, it was estimated that 5% of them (i.e. around 130 job-seekers) would need such service. Should more need arise, additional counselling service would be procured from the NGO concerned.

28. Dr Fernando CHEUNG pointed out that employers under the Work Orientation and Placement Scheme ("WOPS") were granted, up to a maximum of eight months, a monthly allowance for each employee with disability. Noting from the Director of Audit's Report No. 65 that 65% of those who graduated from WOPS in 2013-2014 engaged in open employment had worked for a period of eight months or less, he was concerned about the number of participants of WOPS who had stayed in

Action

employment after the expiry of the eight-month subsidy period and whether there was any follow-up services thereafter.

29. SLO(SP) responded that WOPS was an employment assistance programme for persons with disabilities to enhance their job opportunities. There were 811 placements achieved under WOPS in 2015 and job seekers with disabilities in around 30% of these cases were still being employed in the same post at the end of their eighth month of employment. It was noteworthy that many of the participants quitted the job of their own accord. To strengthen LD's employment support service for them, with effect from September 2015, LD had enhanced the post-placement follow-up service provided for job seekers with disabilities by extending the follow up service period from three months to six months.

Support measures for employment of females and mature persons/elderly

30. Dr KWOK Ka-ki took the view that LD should work collaboratively with other relevant bureaux/government departments in facilitating female homemakers in taking up employment, such as provision of child care services by SWD.

31. Pointing out that the labour force participation rate of females remained on the low side, Mr LUK Chung-hung expressed concern about the Administration's policy on encouraging females to enter or stay in the labour market. Mr LUK further enquired whether a mechanism was put in place for coordinating efforts of different bureaux/government departments for more effective delivery of LD's employment services.

32. C for L advised that LD provided various employment support services to facilitate women to take up employment. Of the 67 221 job seekers registering for LD's employment services in 2015, 55.8% of them were females and about 60% were females among those successfully secured employment through LD's referral services. C for L shared the view that provision of appropriate subsidized child care services was crucial in facilitating women to enter or stay in employment. The Labour and Welfare Bureau/LD had been collaborating with other bureaux/government departments, including SWD, in fostering women employment. Specifically, the Panel was briefed on, inter alia, a series of measures launched by SWD to enhance child care services to foster women employment in February 2016.

Action

33. Mr KWOK Wai-keung held the view that it was imperative for the Administration to conduct a review on the continuous contract requirement (the so-called "4-18 requirement") under the Employment Ordinance (Cap. 57) so as to unleash the labour force of the female homemakers and early retirees/mature persons who preferred to take up part-time jobs. In his view, the "4-18" requirement failed to protect the employees' benefits of those engaged under employment contracts with short duration or working hours and barred them from enjoying full employment benefits. Mr KWOK enquired about the timetable for discussion of the subject by the Labour Advisory Board ("LAB").

34. Expressing concern about the ageing workforce, the Deputy Chairman called on the Administration to develop emerging industries providing more employment opportunities for mature persons so as to ensure their experience and professional skills could be passed to the younger generation.

35. C for L and AC for L(ES) responded that to meet the needs of some job seekers, including female homemakers and mature persons/elderly, to find part-time jobs, LD had set up a dedicated webpage on part-time vacancies at iES website to facilitate job seekers interested in part-time employment to search for suitable vacancies. LD also staged four large-scale thematic job fairs for middle-aged and mature persons and six district-based job fairs on part-time employment since 2015. To encourage employers to engage mature persons, LD regularly organized experience sharing sessions for employers on the employment of mature persons and invited representatives of the Hong Kong Federation of Insurers to brief employers on matters relating to the taking out of employees' compensation insurance policies for mature persons. Furthermore, LD's Employment Programme for the Middle-aged ("EPM") which originally covered only full-time employment, had been extended to cover part-time jobs (i.e. working 18 hours to less than 30 hours per week) since September 2015 with a view to encouraging employers to provide more suitable employment opportunities for middle-aged and mature job seekers. Employers might apply for training allowance of up to \$3,000 per month for each full-time/part-time employee engaged under EPM, for a period of three to six months. As regards review of the "4-18" requirement, there were different considerations from various perspectives and the community's views on the matter were diverse.

Action

36. The Deputy Chairman called on the Administration to increase the provision of subsidy in encouraging employers to engage mature persons/elderly.

Recruitment difficulties in specific industries

37. Mr YIU Si-wing expressed concern about the recruitment difficulties in certain trades and industries in connection with tourism, including room attendants in hotels, dish-washing workers in catering sector and tour coach drivers. Having regard to the anticipated increase in the number of hotel rooms in Hong Kong, Mr YIU envisaged that the situation would aggravate. Mr YIU enquired whether LD would consider collaborating with specific industries, say, the hotel industry, on a trial basis, in organizing job fairs for recruiting specific manpower for the industry. If the outcomes proved to be unsatisfactory, consideration would then be given to importation of relevant labour under the Supplementary Labour Scheme ("SLS").

38. C for L advised that LD had been providing free employment and recruitment services through staging large-scale and district-based job fairs as well as through three recruitment centres for the catering, retail and construction industries. LD welcomed to cooperate with employers from various sectors in staging large-scale job fairs of different themes. As regards importation of labour under SLS, applications would be considered and processed in accordance with the established procedures. LAB would be consulted on inclusion of specific job categories in SLS applications as appropriate.

Higher Education Employment Information e-Platform

39. In response to Mr LEUNG Kwok-hung's enquiry, C for L advised that LD would launch a dedicated employment information e-platform named "Higher Education Employment Information e-Platform" in December 2016. The e-platform aimed to enhance users' understanding of the local employment market and facilitate their search and application for suitable job openings through the new webpage.

Action

V. Hong Kong's occupational safety performance in the first half of 2016

(LC Paper Nos. CB(2)142/16-17(03) and (04))

40. At the invitation of the Chairman, Deputy Commissioner for Labour (Occupational Safety and Health) ("DC for L (OSH)") briefed members on Hong Kong's occupational safety performance in the first half of 2016 as detailed in the Administration's paper.

41. Members noted a background brief entitled "Occupational safety performance in Hong Kong" prepared by the LegCo Secretariat.

Occupational injuries statistics

42. Mr KWOK Wai-keung and Dr Fernando CHEUNG were gravely concerned that the number of occupational fatalities in the first half of 2016 was 103, up by 21 (i.e. 25.6%) when compared with 82 in the same period of 2015. Dr CHEUNG sought explanation for the increase and information on the measures taken by LD to address the situation. DC for L (OSH) responded that the rise in the number of occupational fatalities in the first half of 2016 involved a number of cases of natural deaths. Occupational injuries referred to injury cases in workplaces reported under the Employees' Compensation Ordinance (Cap. 282) ("ECO"), resulting in death or incapacity for work of over three days. Noting that the rise mainly involved 16 natural deaths, Mr KWOK Wai-keung sought information on the causes of these deaths and whether the bereaved family members of employees concerned had been offered reasonable employees' compensation. DC for L (OSH) said that the information requested by Mr KWOK would be provided after the meeting.

Admin

43. Mr KWOK Wai-keung also expressed concern whether there were cases of sudden death at work due to prolonged period of work. He called on the Administration to introduce legislation regulating long working hours to safeguard the occupational health of employees. DC for L (OSH) said that the information available to LD did not reveal the working condition of the deceased prior to their death, and the relationship of their death to their pre-existing physiological condition. It was stipulated under ECO that if an employee sustained an injury or died as a result of an accident arising out of and in the course of employment, including sudden death which happened in the workplace and was caused by accident arising from work, his or her employer was

Action

liable to pay compensation in accordance with the Ordinance. In other words, cases of sudden death caused by work-related accidents were protected under the existing law.

44. Mr KWOK Wai-keung and the Chairman, however, considered the protection for employees was insufficient. Dr Fernando CHEUNG was concerned that work-related muscle strain, such as strain of lower limbs arising from standing for long hours at work, was not covered in the list of 52 occupational diseases as prescribed in the relevant ordinances. Dr CHEUNG appealed to the Administration to revisit the issue and consider prescribing a disease, such as musculoskeletal disorders, as occupational disease in order to enhance the protection for employees.

45. DC for L (OSH) pointed out that even if a disease was not an occupational disease specified in the list of compensable occupational diseases in the Second Schedule to ECO, an employee was protected by ECO and could recover employees' compensation provided that the disease was a personal injury by accident arising out of and in the course of employment.

46. Regarding the concern about adverse impact of prolonged period of work on employees, DC for L (OSH) said that LD had promulgated clear guides for employers in respect of arrangement of rest breaks for employees. When conducting inspection to workplaces, LD staff would make reference to the relevant guides and ensure that duty holders had arranged appropriate rest breaks for employees.

47. Mr CHAN Chi-chuen was concerned that as a result of long working hours in various trades and industries, employees would become exhausted and would therefore be more prone to industrial accidents. Mr CHAN asked whether the Administration had analysed the causes of industrial accidents in the past year and how many were related to long working hours and fatigue of employees. In his view, the Administration should conduct an in-depth study on the relationship between industrial accidents and working hours.

48. DC for L (OSH) advised that after the occurrence of an industrial accident or fatal case, LD would conduct a thorough investigation to examine the causes of the accident and the legal liabilities of duty holders. The Administration, however, drew members' attention to the complexity and difficulties in establishing the causation between long working hours/overwork and industrial accidents. That said, LD would review the situation from time to time as appropriate.

Action

49. Mr LEUNG Kwok-hung held the view that reference could be made to standard working hours when defining "overwork". Mr LEUNG criticized the Administration's unwillingness to introduce a piece of legislation on standard working hours for the purpose of safeguarding occupational health of employees.

On-site safety officers

50. Pointing out that registered safety officers ("RSOs") were employees of construction contractors, Mr LEUNG Kwok-hung expressed grave reservations that they would be proactive in reporting their employers' non-compliance with occupational safety and health ("OSH") requirements. Mr LEUNG held the view that the Administration should make it mandatory for construction contractors to engage RSOs through an intermediary agency so as to ensure their independent role.

51. DC for L (OSH) said that LD would issue systemic safety alerts from time to time to urge RSOs to apply the safety management principles when discharging their statutory duties in providing advice to their employers/clients on the preventive measures. RSOs were reminded of the importance of taking proactive steps to ensure that their employers/clients were fully aware of the potential adverse implications and consequences of refusing to accept or neglecting their advice. Should there be sufficient evidence that an RSO had failed to perform his duties, LD would activate the registration suspension / cancellation process for the safety officer concerned under the registration system for RSOs. The Administration considered that the requirement of engaging RSOs by contractors had achieved the desired outcome for the former to render assistance to contractors in establishing safety management systems to prevent accidents. DC for L (OSH) added that under the law, duty-holders of construction projects were not prohibited from engaging RSOs through an intermediary agency.

Work-at-height

52. Ir Dr LO Wai-kwok expressed disappointment that there was no significant improvement in the occupational safety performance of the construction industry in these few years. Noting that most of the construction fatal accidents were related to fall of persons from height, Ir Dr LO sought information on the measures taken by the Administration

Action

to address the situation. The Deputy Chairman was concerned that there were five cases of persons falling from height among the nine construction fatalities as at end October 2016.

53. DC for L (OSH) said that the Administration attached great importance to the industrial accidents and fatalities involving workers falling from height, the number of which persistently topped all industries and among different types of accidents in the construction industry. While LD would continue to combat work-at-height hazards through enforcement and publicity efforts, LD had recently started to step up engagement with the property management companies and further enhance the promotion work to the Owners' Corporations to raise their awareness on the common hazards associated with repair and maintenance works, including work-at-height safety. To reduce the risk of head injury arising from falling from height, LD also stepped up publicity efforts to promote the use of safety helmets with chin straps, including promotion through relevant trade associations and workers' unions, to further safeguard work safety of work-at-height. At the district level, in conjunction with the Home Affairs Department, LD had taken part in seminars organized for owners' incorporations etc to promote work safety messages. In addition, the Buildings Department ("BD") would formulate guidelines to enhance the safety of building exterior works through building design.

54. Expressing concern about the difficulties in carrying out maintenance work of the external walls in more than 100 housing estates, the Deputy Chairman asked whether the guidelines being developed by BD would be made mandatory.

55. DC for L (OSH) said that to his understanding, BD was consulting relevant stakeholders on the guidelines to facilitate cleaning and maintenance works at exterior of buildings to safeguard the occupational safety of workers undertaking such works.

Road works safety

56. Ir Dr LO Wai-kwok and Dr Fernando CHEUNG were gravely concerned about the several fatal accidents involving workers working on road/at roadside in the past few months. Ir Dr LO, Dr CHEUNG and the Chairman enquired about the specific measures taken by the Administration to reduce such road accidents and thereby safeguarding the occupational safety of workers engaged in road works.

Action

57. In response, Assistant Commissioner for Labour (Occupational Safety) ("AC for L (OS)") gave a brief account on the fatal accidents concerned, including those occurred on Tsing Kwai Highway and Tsing Long Highway in late June 2016 and that occurred on Waterloo Road in October 2016. AC for L (OS) said that LD officers had visited the accident scenes to look into the accidents from the OSH perspective, including examining the system of work concerned, finding out the legal liability of concerned duty holders, and exploring measures to strengthen the protection of road/roadside workers from the OSH perspective. In addition, LD had enhanced measures with regard to OSH of road/roadside work, including: (a) enhancing publicity and promotion work such as issuing relevant Work Safe Alerts to remind the industry to take appropriate measures to ensure the work safety of workers and to prevent recurrence of accidents; (b) conducting in-depth safety audit and analyses of the systemic risks to formulate relevant preventive measures, and informing the industry of the systemic risks identified and the required preventive measures. A letter had been issued to the tunnel and highway operators to urge them to enhance the work safety measures on road/roadside work to safeguard their employees; (c) stepping up surprise inspections to road/roadside work in terms of frequency and intensity; and (d) participating in the inter-departmental working group comprising members from the Highways Department ("HyD"), the Transport Department ("TD") and the Police ("the Working Group"), and offering comments on enhancement of the existing "Code of Practice for the Lighting, Signing and Guarding of Road Works" ("the Code") from OSH perspective with a view to enhancing relevant safety measures to safeguard the work safety of workers concerned.

58. Dr Fernando CHEUNG called on the Administration to seriously consider the concrete recommendations of the Association for the Rights of Industrial Accident Victims, including the responsibility of the principal contractor in safeguarding the occupational safety of road workers, the involvement and coordination among various bureaux/government departments in ensuring road safety in the design stage of road works and conducting risk assessment prior to their commencement. In his view, it was imperative for different bureaux/government departments concerned, including the Transport and Housing Bureau, TD and HyD, to work collaboratively in formulating safety plans and implementing safety management systems to safeguard the occupational safety of road workers.

Action

59. DC for L (OSH) and AC for L (OS) said that HyD had implemented a number of new measures for road works under its purview with effect from 1 November 2016 to enhance the safety protection of workers at road works sites, including those regarding the requirements of providing shadow vehicles equipped with truck-mounted attenuators and the specification requirement of retroreflectivity on the rear of a truck-mounted attenuator on a shadow vehicle. The Working Group would further review the Code in a comprehensive manner to further enhance the safety protection measures for road/roadside workers.

60. Having regard to the fact that all road maintenance works were government outsourced services, the Deputy Chairman asked whether the Administration would consider including additional terms and conditions in the road maintenance contracts for the purpose of strengthening the protection of road workers.

61. DC for L (OSH) said that during meetings of the Working Group, LD representatives had made suggestions, among others, on the use of advanced technologies in setting up and removing lane closure, so as to reduce the duration of workers staying on the road and thereby strengthening their occupational safety. He shared the view that project proponents could consider stipulating major safety requirements to be fulfilled by the contractors in the road maintenance contracts. As a matter of fact, if non-compliance was found, sanction or penalty could be imposed on the contractors concerned in accordance with the terms of the contracts. Past performance of contractors could also be one of the factors to be taken into account in considering their future tenders for public works contracts.

62. There being no other business, the meeting ended at 6:35 pm.