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Panel on Manpower

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 15 November 2016**

Occupational safety performance in Hong Kong

Purpose

This paper gives an account of the past discussions by the Panel on Manpower ("the Panel") on Hong Kong's occupational safety performance since the Fourth Legislative Council ("LegCo").

Background

2. According to the Administration, the number of occupational injuries¹ in 2015 was 35 852, representing a drop of 4.5% over 37 523 in 2014. The injury rate per 1 000 employees was 12.1 in 2015, down by 5.6% when compared with 12.8 in 2014. The number of industrial accidents² for all sectors in 2015 was 11 497, down by 1.5% when compared with 11 677 in 2014; while the accident rate per 1 000 workers also decreased by 3.5% from 19.0 to 18.4. The accidents mainly involved "slip, trip or fall on the same level" and "incorrect 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

Site safety of public works projects

3. Following a series of fatal accidents occurred at the construction sites of the Hongkong-Zhuhai-Macao related local projects, members expressed grave concern about the occupational safety of workers engaged in public works projects, in particular those undertaking sea-based construction works. They queried whether the occurrence of accidents was attributable to catching up with works progress at the expense of safe work practices and the failure of the Administration's monitoring measures. Members considered that the Administration should conduct investigations into the causes of such accidents and draw up preventive measures against unsafe work practices.

4. Members were advised that given the commencement of various mega infrastructure projects in recent years, the Labour Department ("LD") had stepped up liaison with major works project proponents and urged the contractors concerned to strengthen the site safety management systems and monitor closely work safety with a view to enhancing occupational safety of employees. LD had also increased manpower to step up site inspections and enforcement actions in a number of major work areas since 2011-2012, such as the creation of additional dedicated Mega Infrastructure Project Offices and a dedicated team to strengthen the monitoring of work safety of major works projects.

5. The Administration advised that when a serious/fatal accident involving systemic safety risks had emerged, LD would release a Work Safety Alert promptly on its website and through emails to contractors, workers' unions and professional organizations of safety practitioners, etc. The Work Safety Alerts gave a brief account of the accident and reminded the industry to take safety precautionary measures so as to prevent recurrence of similar accidents. The Administration further advised that LD would then conduct a thorough investigation to examine the causes of the accident and the legal liabilities of duty holders. LD would urge the contractor concerned to make improvement and take enforcement actions as appropriate. The Administration stressed that there was no evidence indicating that the causes of accidents were related to catching up with work progress.

6. As regards the safety measures for performing sea-based construction works, members were advised that the 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.

Safety of working at height

7. In light of a large number of maintenance works projects for old buildings, members were much concerned about the effectiveness of measures adopted to reduce risks associated with working at height. The Administration stressed that LD had been making considerable efforts to raise the awareness of workers and duty holders on the risks in connection with the external wall work of buildings through inspection and enforcement, publicity and promotion, as well as education and training, so as to enhance work-at-height safety. Notably, LD had in collaboration with OSHC launched the "OSH Star Enterprise Safety Accreditation Scheme" for small and medium-sized contractors with focus on the high-risk bamboo scaffolding sector. Apart from offering free safety training, subsidies were provided for the purchase of fall arresting devices and safety audits for small and medium-sized contractors in repair, maintenance, alteration and addition works.

8. On some members' suggestion of replacing the use of truss-out bamboo scaffolds ("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 external wall work of buildings 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. Besides, LD had issued advisory letters to construction contractors and sub-contractors urging them to adopt adequate safety measures while working on, erecting and dismantling TOS.

Level of penalty for offences

9. 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 legislation related to the occupational safety and health ("OSH"). 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.

Safety training for construction workers

10. 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.

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. The Administration added that during the special enforcement operations targeting at OSH of the catering industry in 2015, LD conducted over 3 300 surprise inspections with about 130 prosecutions initiated and issued over 130 improvement notices and about 780 warnings. 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.

Safety measures for container handling industry

12. 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.

13. 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.

Occupational safety under hot or inclement weather

14. 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.

15. The Administration advised that LD had published a guide on the prevention of heat stroke at work in a hot environment and practical methods for abating the risk of heat stroke. Duty holders were advised to arrange appropriate rest breaks for employees during hot periods, set up temporary sunshade wherever possible and provide cool potable water for employees at all times during work. The arrangement of an additional rest break had been implemented in all construction sites for workers during the summer months, i.e. a 15-minute rest break in the morning in addition to the 30-minute rest break in the afternoon to prevent heat stroke at work as recommended by CIC under the "Guidelines on Site Safety Measures for Working in Hot Weather" issued in 2013. 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.

16. The Administration further advised that LD had enhanced the protection of employees from heat stroke by conducting 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. According to the Administration, LD conducted some 30 000 inspections to construction work sites in May to September in 2015.

Relevant papers

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

Council Business Division 2
Legislative Council Secretariat
9 November 2016

**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> (Question 2)
Legislative Council	19.10.2011	<u>Official Record of Proceedings</u> (Question 7)
Legislative Council	14.12.2011	<u>Official Record of Proceedings</u> (Question 1)
Legislative Council	11.1.2012	<u>Official Record of Proceedings</u> (Question 10)
Legislative Council	28.3.2012	<u>Official Record of Proceedings</u> (Question 11)
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
Panel on Manpower	21.6.2016 (Item III)	Agenda Minutes

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