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### Replies to initial written questions raised by Finance Committee Members in examining the Estimates of Expenditure 2018-19

Director of Bureau : Secretary for Labour and Welfare

Session No. : 21

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**CONTROLLING OFFICER'S REPLY**

**S-LWB(L)01**

**(Question Serial No. SV044)**

Head: (90) Labour Department

Subhead (No. & title): ( )

Programme: Not Specified

Controlling Officer: Commissioner for Labour (Carlson CHAN)

Director of Bureau: Secretary for Labour and Welfare

Question:

Please provide the turnover rate of persons with disabilities placed under the Work Orientation and Placement Scheme (WOPS) after the completion of the allowance period.

Asked by: Hon CHEUNG Chiu-hung, Fernando (Member Question No. )

Reply:

The Labour Department (LD) has since 2015 lengthened its follow-up of the employment status of employees with disabilities placed under WOPS up to the twelfth month of their employment. In 2015 and 2016, LD recorded 811 and 816 placements under WOPS respectively. In these two years, the monthly turnover rates (i.e. the percentage of cases with employment contracts terminated out of the number of placements recorded in the respective year) of employees with disabilities after the completion of the eight-month allowance period under WOPS decreased from 4% at the ninth month of employment to 2% (2015) and 1% (2016) at the twelfth month of employment. Most of these cases involved the resignation of employees with disabilities. Dismissal by employers only accounted for a minority of the cases.

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**CONTROLLING OFFICER'S REPLY****S-LWB(L)02****(Question Serial No. S0156)**Head: (90) Labour DepartmentSubhead (No. & title): ( )Programme: (3) Safety and Health at WorkControlling Officer: Commissioner for Labour (Carlson CHAN)Director of Bureau: Secretary for Labour and WelfareQuestion:

In 2017, the number of summonses convicted in respect of breach of the occupational safety and health (OSH) legislation was 1 542. How many of them were related to the Hong Kong Section and artificial island projects of the Hong Kong-Zhuhai-Macao Bridge (HZMB)? Please provide the case briefs (including dates of accidents), names of defendants and penalties involved.

Asked by: Hon CHU Hoi-dick (Member Question No. )Reply:

Among the convicted cases of breach of OSH legislation in 2017, there were 5 cases involving 26 summonses related to the Hong Kong Section and artificial island projects of HZMB. The details are as follows:

	<b>Date of conviction</b>	<b>Case brief</b>	<b>Name of defendant</b>	<b>Relevant legislation</b>	<b>Case number</b>	<b>Penalty</b>
1	8 June 2017	Relating to an inspection conducted by the Labour Department (LD) on 26 March 2015	VSL Hong Kong Limited	Construction Sites (Safety) Regulations Reg. 52A(2): Failure to provide fencing to prevent workers from falling to water	TWS14711/2015	A fine of \$5,000

	<b>Date of conviction</b>	<b>Case brief</b>	<b>Name of defendant</b>	<b>Relevant legislation</b>	<b>Case number</b>	<b>Penalty</b>
			China Harbour Engineering Company Limited	Construction Sites (Safety) Regulations Reg. 52A(2): Failure to provide fencing to prevent workers from falling to water	TWS14710/2015	A fine of \$10,000
			Dragages Hong Kong Limited	Construction Sites (Safety) Regulations Reg. 52A(2): Failure to provide fencing to prevent workers from falling to water	TWS14709/2015	A fine of \$5,000
2	10 August 2017	Relating to an accident case which occurred on 14 November 2016	Dragages Hong Kong Limited	Construction Sites (Safety) Regulations Reg. 38B(1): Failure to prevent any person from falling from a height of 2 metres or more	WKS7367/2017	A fine of \$18,000
			China Harbour Engineering Company Limited	Construction Sites (Safety) Regulations Reg. 38B(1): Failure to prevent any person from falling from a height of 2 metres or more	WKS7368/2017	A fine of \$20,000
			VSL Hong Kong Limited	Construction Sites (Safety) Regulations Reg. 38B(1): Failure to prevent any person from falling from a height of 2 metres or more	WKS7369/2017	A fine of \$10,000

	<b>Date of conviction</b>	<b>Case brief</b>	<b>Name of defendant</b>	<b>Relevant legislation</b>	<b>Case number</b>	<b>Penalty</b>
3	26 October 2017	Relating to an inspection conducted by LD on 16 March 2017	Dragages Hong Kong Limited	Construction Sites (Safety) Regulations Reg. 38B(1): Failure to prevent any person from falling from a height of 2 metres or more	WKS13983/2017	A fine of \$20,000
				Construction Sites (Safety) Regulations Reg. 38A(2): Failure to provide adequate and safe means of access and egress	WKS13986/2017	A fine of \$20,000
				Construction Sites (Safety) Regulations Reg. 38B(1): Failure to prevent any person from falling from a height of 2 metres or more	WKS13989/2017	A fine of \$20,000
			China Harbour Engineering Company Limited	Construction Sites (Safety) Regulations Reg. 38B(1): Failure to prevent any person from falling from a height of 2 metres or more	WKS13984/2017	A fine of \$20,000
				Construction Sites (Safety) Regulations Reg. 38A(2): Failure to provide adequate and safe means of access and egress	WKS13987/2017	A fine of \$20,000

	<b>Date of conviction</b>	<b>Case brief</b>	<b>Name of defendant</b>	<b>Relevant legislation</b>	<b>Case number</b>	<b>Penalty</b>
				Construction Sites (Safety) Regulations Reg. 38B(1): Failure to prevent any person from falling from a height of 2 metres or more	WKS13990/2017	A fine of \$20,000
			VSL Hong Kong Limited	Construction Sites (Safety) Regulations Reg. 38B(1): Failure to prevent any person from falling from a height of 2 metres or more	WKS13985/2017	A fine of \$20,000
				Construction Sites (Safety) Regulations Reg. 38A(2): Failure to provide adequate and safe means of access and egress	WKS13988/2017	A fine of \$20,000
				Construction Sites (Safety) Regulations Reg. 38B(1): Failure to prevent any person from falling from a height of 2 metres or more	WKS13991/2017	A fine of \$20,000
			Friendly Benefit Engineering Limited	Construction Sites (Safety) Regulations Reg. 38A(2): Failure to provide adequate and safe means of access and egress	WKS13992/2017	A fine of \$15,000

	<b>Date of conviction</b>	<b>Case brief</b>	<b>Name of defendant</b>	<b>Relevant legislation</b>	<b>Case number</b>	<b>Penalty</b>
				Construction Sites (Safety) Regulations Reg. 38A(2): Failure to provide adequate and safe means of access and egress	WKS13993/2017	A fine of \$10,000
4	14 December 2017	Relating to an inspection conducted by LD on 23 March 2017	China Harbour Engineering Company Limited	Factories and Industrial Undertakings (Lifting Appliances and Lifting Gear) Regulations Reg. 18(1)(a): Failure to use lifting gear of good construction, sound material, adequate strength, and free from patent defect	WKS14046/2017	A fine of \$15,000
				Factories and Industrial Undertakings (Lifting Appliances and Lifting Gear) Regulations Reg. 18(1)(a): Failure to use lifting gear of good construction, sound material, adequate strength, and free from patent defect	WKS14047/2017	A fine of \$10,000

	<b>Date of conviction</b>	<b>Case brief</b>	<b>Name of defendant</b>	<b>Relevant legislation</b>	<b>Case number</b>	<b>Penalty</b>
				Factories and Industrial Undertakings (Lifting Appliances and Lifting Gear) Regulations Reg. 18(1)(d): Failure to test and thoroughly examine chain, rope or lifting gear by a competent examiner	WKS14048/2017	A fine of \$10,000
			ETS-TESTCONSULT Limited	Factories and Industrial Undertakings (Lifting Appliances and Lifting Gear) Regulations Reg. 18(1)(a): Failure to use lifting gear of good construction, sound material, adequate strength, and free from patent defect	WKS14052/2017	A fine of \$10,000
				Factories and Industrial Undertakings (Lifting Appliances and Lifting Gear) Regulations Reg. 18(1)(a): Failure to use lifting gear of good construction, sound material, adequate strength, and free from patent defect	WKS14053/2017	A fine of \$10,000



	<b>Date of conviction</b>	<b>Case brief</b>	<b>Name of defendant</b>	<b>Relevant legislation</b>	<b>Case number</b>	<b>Penalty</b>
				Factories and Industrial Undertakings (Lifting Appliances and Lifting Gear) Regulations Reg. 18(1)(d): Failure to test and thoroughly examine chain, rope or lifting gear by a competent examiner	WKS14054/2017	A fine of \$10,000
				Factories and Industrial Undertakings (Lifting Appliances and Lifting Gear) Regulations Reg. 18(1)(e): Failure to thoroughly examine the chain, rope or lifting gear by a competent examiner in the preceding 6 months	WKS14055/2017	A fine of \$10,000
5	14 December 2017	Relating to an inspection conducted by LD on 23 March 2017	China Harbour Engineering Company Limited	Construction Sites (Safety) Regulations Reg. 38B(1): Failure to prevent any person from falling from a height of 2 metres or more	WKS14299/2017	A fine of \$30,000

	<b>Date of conviction</b>	<b>Case brief</b>	<b>Name of defendant</b>	<b>Relevant legislation</b>	<b>Case number</b>	<b>Penalty</b>
			Company operated in the name of an individual <sup>1</sup>	Construction Sites (Safety) Regulations Reg. 38B (1A): Failure to prevent any person from falling from a height of 2 metres or more	WKS14300/2017	A fine of \$15,000

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<sup>1</sup> It is not appropriate to disclose the name of the defendant under the Personal Data (Privacy) Ordinance (Cap. 486).

**CONTROLLING OFFICER'S REPLY****S-LWB(L)03****(Question Serial No. S0110)**Head: (90) Labour DepartmentSubhead (No. & title): ( )Programme: (3) Safety and Health at WorkControlling Officer: Commissioner for Labour (Carlson CHAN)Director of Bureau: Secretary for Labour and WelfareQuestion:

Subsequent to Question Serial No. 0507 and Reply Serial No. LWB(L)059, would the Government provide:

- (a) the number of inspections conducted by various offices/teams of the Operations Division (OD) under the Occupational Safety and Health Branch (OSHB) of the Labour Department (LD) in the past 3 years, with a breakdown by rank;
- (b) a detailed account of the number of officers involved and the start and end dates for each of the 2 temporary redeployments of the Occupational Safety Officer Grade staff of LD in 2017?

Asked by: Hon POON Siu-ping (Member Question No. )Reply:

- (a) The number of inspections conducted by various divisional offices of OD under OSHB of LD in the past 3 years is provided in the table below:

		2015	2016	2017
Hong Kong and Islands	Building and Engineering Construction Stream	13 058	12 531	14 438
	Non-Building and Engineering Construction Stream	11 146	10 784	13 428
Kowloon	Building and Engineering Construction Stream	14 747	15 500	17 928
	Non-Building and Engineering Construction Stream	15 620	13 818	12 464

		2015	2016	2017
New Territories East and Kwun Tong	Building and Engineering Construction Stream	12 458	10 166	12 526
	Non-Building and Engineering Construction Stream	14 771	16 050	15 394
New Territories West	Building and Engineering Construction Stream	10 605	12 082	16 589
	Non-Building and Engineering Construction Stream	19 951	20 003	16 536
Integrated Services	Mega Infrastructure Project Office (3 Offices)	5 031	5 587	6 060
	Airport and Railways Office (3 Offices)	8 354	10 052	10 925
	Integrated Services Team (4 Offices)	3 780	3 643	3 172
	Temporary Surveillance Team	59	492	656
Total		129 580	130 708	140 116

The establishment of the above offices/teams of OD consists of Divisional Occupational Safety Officers, Occupational Safety Officers I and Occupational Safety Officers II. All of them were involved in conducting inspections. LD does not keep a breakdown of the inspections by rank.

- (b) In the wake of a fatal industrial accident that happened at the Hong Kong-Zhuhai-Macao Bridge site on 29 March 2017, OD of LD internally redeployed 6 Occupational Safety Officers dedicated to assisting in the investigation and follow-up action of the accident on 30 March 2017. The redeployment arrangement ended on 28 September 2017 upon completion of the investigation and related work.

Moreover, in view of the spate of serious fatal industrial accidents in the construction industry in 2017 and the community's concern about construction safety, OD internally redeployed 19 frontline Occupational Safety Officers on 1 June 2017 to enhance the inspection and enforcement work targeting construction sites. The redeployment arrangement lasted until 31 March 2018.

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**CONTROLLING OFFICER'S REPLY**

**S-LWB(L)04**

**(Question Serial No. S0111)**

Head: (90) Labour Department

Subhead (No. & title): ( )

Programme: (3) Safety and Health at Work

Controlling Officer: Commissioner for Labour (Carlson CHAN)

Director of Bureau: Secretary for Labour and Welfare

Question:

Subsequent to Question Serial No. 0510 and Reply Serial No. LWB(L)062 about occupational injuries involving traffic accidents, would the Government provide:

- (a) the number of occupational fatalities involving traffic accidents in each year from 2013 to 2017, with a breakdown by type of vehicles;
- (b) the major causes of the above occupational fatalities?

Asked by: Hon POON Siu-ping (Member Question No. )

Reply:

- (a) The Labour Department (LD) does not keep a breakdown by type of vehicles.
- (b) There were 89 occupational fatalities involving local traffic accidents from 2013 to 2017, in which 35 deceased persons were drivers of the vehicles concerned, 5 were passengers and 33 were pedestrians at the time of the accidents. According to the information available to LD, the 73 cases were similar in nature to the causes of ordinary traffic accidents and were classified as traffic accidents and investigated by the Police.

For the remaining 16 cases, the deceased were all engaged in road/roadside work at the time of the accidents, with 6 of them carrying out road or roadside maintenance works. The causes of the accidents involved duty holders' failure to fully comply with the requirements set out in the relevant code of practice prescribed by the Highways Department, to formulate and implement an effective safe system of work and to take adequate safety measures, including improper work arrangements and inadequate supervision, poor traffic arrangements, etc. The remaining 10 cases involved workers such as security guards or cleansing workers working on roads with vehicular traffic. According to the information available to LD, these accidents were generally similar

in nature to traffic accidents involving pedestrians. The accidents were investigated and followed up by the Police as traffic accidents.

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**CONTROLLING OFFICER'S REPLY**

**S-LWB(L)05**

**(Question Serial No. SV043)**

Head: (90) Labour Department

Subhead (No. & title): ( )

Programme: (2) Employment Services (4) Employees' Rights and Benefits

Controlling Officer: Commissioner for Labour (Carlson CHAN)

Director of Bureau: Secretary for Labour and Welfare

Question:

This is a follow-up question on Question Serial No. LWB(L)016:

Please provide the number of officers responsible for conducting inspections to intermediaries for foreign domestic helpers (FDHs)/employment agencies (EAs) which provide placement service for FDHs.

Asked by: Hon SHIU Ka-chun (Member Question No. )

Reply:

In 2018-19, the Employment Agencies Administration (EAA) of the Labour Department has a staff establishment of 22 Labour Officer Grade and 8 Clerical Grade posts responsible for performing licensing duties, conducting inspections to EAs and investigating complaints, as well as other related publicity and educational work, etc. To conduct inspections of EAs providing placement service for FDHs is an integral part of EAA's work in the regulation of EAs, and the manpower involved cannot be separately identified.

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