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**Panel on Manpower**

**Updated background brief prepared by the Legislative Council Secretariat  
for the meeting on 19 December 2017**

**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 injuries (including industrial and non-industrial accidents)<sup>1</sup> in 2016 was 35 768, representing a drop of 0.2% over 35 852 in 2015. The injury rate per 1 000 employees was 11.9 in 2016, down by 0.9% when compared with 12.1 in 2015. The number of industrial accidents<sup>2</sup> for all sectors in 2016 was 10 883, down by 5.3% when compared with 11 497 in 2015; while the accident rate per 1 000 workers decreased by 6.8% from 18.4 to 17.1. The accidents mainly involved "slip, trip or fall on the same level" and "incorrect manual lifting or carrying".

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<sup>1</sup> Occupational injuries (including industrial and non-industrial accidents) 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.

<sup>2</sup> 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. Members noted with grave concern about the fatalities and injuries since the commencement of the Hong Kong-Zhuhai-Macao Bridge ("HZMB") project in 2011. Some members queried whether such accidents had occurred because employers/contractors sought to catch up with works progress at the expense of safe work practices and the Administration's monitoring measures failed to achieve its purpose. Members took a strong view that the Administration should conduct investigation into the causes of such accidents as well as draw up preventive measures and take specific enforcement actions against unsafe work practices.
4. According to the Administration, the Labour Department ("LD") had been closely monitoring the occupational safety of the HZMB local projects. The Highways Department ("HyD") had set up an Independent Investigation Task Force to investigate the possible causes of the fatal accident occurred on 29 March 2017 in connection with the HZMB local projects and to develop improvement measures on site safety. LD had conducted thorough investigation to examine the causes of the accident and the legal liabilities of duty holders. LD had also urged the contractor concerned to make improvement and taken enforcement actions. Members were also advised that given the commencement of various mega infrastructure projects in recent years, LD established a dedicated office in 2011, which was specifically tasked with inspecting these projects and conducting related law enforcement work.
5. As regards the work safety of sea-based construction works, the Administration advised that LD from time to time organized safety seminars on work-over-water safety for the industry, including safety briefings co-organized with the Marine Department ("MD") for the frontline construction workers engaged in the HZMB projects. LD had also published the "Code of Practice for Safety and Health at Work (Land-based Construction over Water - Prevention of Fall)" and jointly published with MD the "Safety Guide for Construction Work over/near Water" to raise safety awareness on works over water, and reminded employers/contractors concerned of their responsibilities to provide relevant sea-based works safety training for the construction workers.

### *Safety of working at height*

6. Noting that most of the construction fatal accidents were related to fall of persons from height, members were concerned about the new measures adopted by the Administration to reduce risks associated with working at height. The Administration advised that LD had liaised with the Buildings Department in respect of provision of anchoring points in new buildings for installation of suspended working platform and other design safety initiatives to facilitate safe conduct of external wall works. LD also worked with the Construction Industry Council ("CIC") to explore the requirement of using fully-boarded scaffolding or adopting closely-spaced bamboo scaffolding on every lift for erection of working platforms to reduce hazards of falling from height when working on bamboo scaffolding. In addition, LD and the Occupational Safety and Health Council ("OSHC") had launched a new Safety Helmets with Y-type Chin Straps Sponsorship Scheme for Small and Medium-sized Enterprises of Construction Industry, which would provide subsidy to small and medium-sized enterprises engaged in the construction industry to acquire safety helmets with Y-type chin straps that conformed to safety standards in order to encourage the use of such helmets. LD had also launched a large-scale continuous Occupational Safety Enhancement Campaign "Construction Industry: Safety First" in April 2017 with various initiatives to remind the stakeholders of the construction industry the importance of work safety, especially the risks of work-at-height, and taking appropriate precautions to prevent accidents.

7. The Administration further advised that LD, in collaboration with OSHC, continued to promote the "OSH Star Enterprise Safety Accreditation Scheme" for the repair, maintenance, alteration and addition ("RMAA") industry. The Scheme covered the provision of safety training, subsidies for the purchase of fall arresting devices and safety audits for small and medium-sized RMAA contractors, and the offer of premium discounts up to 50% to those bamboo scaffolding contractors accredited under the Scheme through collaboration with the insurance sector.

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 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.

*Safety at work in confined spaces*

9. Following a fatal industrial accident on 10 July 2017 in which three workers were killed when carrying out work related to hand-dug tunnelling, members expressed grave concern about the effectiveness of the Administration's efforts in safeguarding occupational safety of workers concerned and preventing recurrence of similar accidents. The Administration advised that contractors had the legal obligation to ensure occupational safety and health ("OSH") of workers employed by them. They should assess the potential risks and have them properly addressed before commencement of the works and carry out the works safely in accordance with the formulated safety method statements and comply with the contract requirements and relevant OSH legislation and guidelines. LD would also conduct site inspections and take enforcement actions against non-compliance with the OSH legislation as well as minimizing hazards at workplaces through publication and promotion.

10. The Administration further advised that LD had arranged meetings with the industry stakeholders and relevant government departments subsequent to the accident and was agreed in principle that hand-dug tunnelling would be adopted only when the use of alternative methods for constructing tunnels were not considered practicable. To safeguard workers' OSH, LD would issue revised guidelines on hand-dug tunnelling work within 2017, in which more stringent requirements for conducting risk assessment and the necessary safety precautions in relation to the hazards identified in the hand-dug tunnelling work would be set out.

*On-site safety officers*

11. Concern was raised about whether registered safety officers ("RSOs"), who were employed by construction contractors, would be proactive in reporting their employers' non-compliance with OSH requirements. There was a 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.

12. According to the Administration, 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 was of the view 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. The Administration added that under the law, duty-holders of construction projects were not prohibited from engaging RSOs through an intermediary agency.

*Level of penalty*

13. Most 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. At the special meeting on 12 April 2017 when the occupational safety concerning the construction of the HZMB project was discussed, the Panel passed a motion urging the Government to, among others, increase the penalties by forbidding the companies concerned to tender in government contracts for one year after the occurrence of a fatal accident, and to introduce legislative amendments to subject those consultants and contractors who were found to be negligent in their safety performance to criminal liability so as to further enhance the deterrence effect.

14. In its written response to the abovementioned motion passed by the Panel, the Administration advised that in order to raise the deterrent effect of court penalties, LD had been adopting different approaches to seek heavier penalties for duty holders. For instance, LD had submitted comprehensive information to the court for reference in sentencing, in particular the serious consequences arising from the accidents in question. Depending on the circumstances of individual cases, LD would request the Department of Justice ("DoJ") to consider filing a review or an appeal to the court in respect of the conviction and the penalty when necessary. The fines imposed by the court on convicted cases related to fatal industrial accidents in the construction industry had increased in recent years when compared with the past. LD would, in consultation with DoJ, review provisions in relation to penalty under the OSH legislation, and amend the law if necessary to further enhance the deterrent effect of the penalty.

15. At the policy briefing cum meeting of the Panel on 17 October 2017, members were advised that LD was conducting a review of penalties under the OSH legislation and seeking the views of DoJ. It aimed to come up with a preliminary direction for amending the legislation within 2017.

### *Safety training for construction workers*

16. 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

17. Some members expressed concern about the effectiveness of the publicity and educational efforts put in place by the Administration in addressing industrial accidents in the food and beverage services sector. According to the Administration, with a view to consolidating its efforts in publicity and promotion, education, training, research and sponsorship schemes for the catering industry, OSHC established the Catering Safety and Health Steering Committee in 2015 to further promote and enhance the work safety standards of the industry. In addition, OSHC continued to implement the "OSH Star Enterprises Catering OSH Enhancement Pilot Scheme" to further improve the work safety of the catering industry practitioners, and to encourage the industry to raise tidiness and cleanliness standards at workplaces. Members were also advised that LD would conduct special enforcement operations targeting at OSH of the catering industry.

### Safety measures for container handling industry

18. Given the vast area of the container terminals and its round-the-clock mode of operation, some members considered it difficult for LD's labour inspectors to assess the occupational safety performance of the container handling industry. They enquired about the measures in place to prevent serious industrial accidents of container handling activities.

19. The Administration advised that it had examined critically the circumstances and causes of the accidents involving container handling activities, 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. 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. Besides, LD officers would conduct surprise inspections to workplaces of different industries outside office hours where necessary to monitor employers' compliance with the labour legislation.

#### Road works safety

20. Members expressed grave concern about the specific measures taken by the Administration to reduce road accidents and safeguard the occupational safety of workers working on road/at roadside. According to the Administration, LD had enhanced measures with regard to OSH of road/roadside work, including enhancing publicity and promotion work such as issuing relevant Work Safety Alerts to remind the industry to take appropriate measures to ensure the work safety of workers and to prevent recurrence of accidents, and stepping up surprise inspections to road/roadside work in terms of frequency and intensity, in particular during night-time. An inter-departmental working group comprising members from HyD, the Transport Department, the Police and LD was comprehensively reviewing the Code of Practice for the Lighting, Signing and Guarding of Road Works to further enhance the safety protection measures for carrying out road works.

#### Occupational safety under hot or inclement weather

21. Members were gravely 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.

22. 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.

23. 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") 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.

### **Relevant papers**

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

Council Business Division 2  
Legislative Council Secretariat  
13 December 2017



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

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

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

<b>Committee</b>	<b>Date of meeting</b>	<b>Paper</b>
Legislative Council	18.12.2013	<a href="#">Official Record of Proceedings (Question 13)</a>
Legislative Council	8.1.2014	<a href="#">Official Record of Proceedings (Question 21 and 22)</a>
Panel on Manpower	15.4.2014 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a> <a href="#">LC Paper No. CB(2)1836/13-14(01)</a>
Legislative Council	16.4.2014	<a href="#">Official Record of Proceedings (Question 6)</a>
Legislative Council	30.4.2014	<a href="#">Official Record of Proceedings (Question 2)</a>
Legislative Council	11.6.2014	<a href="#">Official Record of Proceedings (Question 1)</a>
Panel on Manpower	17.6.2014 (Item V)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Manpower	18.11.2014 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Manpower	17.3.2015 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Manpower	16.6.2015 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Manpower	14.7.2015 (Item II)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Manpower	17.11.2015 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Legislative Council	3.2.2016	<a href="#">Official Record of Proceedings (Question 15)</a>

<b>Committee</b>	<b>Date of meeting</b>	<b>Paper</b>
Panel on Manpower	15.3.2016 (Item V)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Manpower	21.6.2016 (Item III)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Manpower	15.11.2016 (Item V)	<a href="#">Agenda</a> <a href="#">Minutes</a> <a href="#">LC Paper No. CB(2)866/16-17(01)</a>
Legislative Council	16.11.2016	<a href="#">Official Record of Proceedings</a> <a href="#">(Question 19)</a>
Legislative Council	30.11.2016	<a href="#">Official Record of Proceedings</a> <a href="#">(Question 1)</a>
Legislative Council	11.1.2017	<a href="#">Official Record of Proceedings</a> <a href="#">(Question 4)</a>
Panel on Manpower	23.1.2017 (Item III)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Manpower (Special meeting)	12.4.2017 (Item I)	<a href="#">Agenda</a> <a href="#">LC Paper No. CB(2)1357/16-17(05)</a>
Panel on Manpower	16.5.2017 (Item V)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Manpower	20.6.2017 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Panel on Manpower	18.7.2017 (Item V)	<a href="#">Agenda</a> <a href="#">Minutes</a>